

BRIAN J. SCULLY 1/12/2023

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| <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF LOUISIANA</p> <p>3 MONROE DIVISION</p> <p>4 ----- x</p> <p>5 THE STATE OF MISSOURI :</p> <p>6 et al., :</p> <p>7 Plaintiffs, : No.</p> <p>8 v. : 3:22-cv-01213-TAD-KDM</p> <p>9 JOSEPH R. BIDEN, JR., :</p> <p>10 et al., :</p> <p>11 Defendants. :</p> <p>12 ----- x</p> <p>13</p> <p>14 Videotaped Deposition of BRIAN J. SCULLY</p> <p>15 Thursday, January 12, 2023</p> <p>16 9:06 a.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 Job No.: 138046</p> <p>22 Pages 1 through 376</p> <p>23 Reported by: Cassandra E. Ellis, RPR</p> <p>24</p> <p>25</p> | <p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF PLAINTIFF:</p> <p>3 D. JOHN SAUER, ESQUIRE</p> <p>4 TODD SCOTT, ESQUIRE</p> <p>5 KENT CAPPS, ESQUIRE</p> <p>6 JOSH DIVINE, ESQUIRE</p> <p>7 MISSOURI ATTORNEY GENERAL'S OFFICE</p> <p>8 Supreme Court Building</p> <p>9 221 W. High Street</p> <p>10 P.O. Box 899</p> <p>11 Jefferson City, Missouri 65101</p> <p>12 (573) 751-8870</p> <p>13 John.sauer@ago.mo.gov</p> <p>14 Todd.scott@ago.mo.gov</p> <p>15</p> <p>16 ON BEHALF OF DEFENDANT:</p> <p>17 JOSHUA E. GARDNER, ESQUIRE</p> <p>18 INDRANEEL SUR, ESQUIRE</p> <p>19 DEPARTMENT OF JUSTICE</p> <p>20 1100 L Street, Northwest</p> <p>21 Washington, D.C. 20530</p> <p>22 (202) 514-3259</p> <p>23 Joshua.e.gardner@usdoj.gov</p> <p>24 Indraneel.sur@usdoj.gov</p> <p>25</p> |
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| <p>1 Deposition of BRIAN J. SCULLY, held</p> <p>2 pursuant to agreement, before Cassandra E. Ellis,</p> <p>3 Certified Shorthand Reporter -- Hawaii #475,</p> <p>4 Certified Court Reporter - Washington #3484,</p> <p>5 Certified Shorthand Reporter - California -</p> <p>6 #14448, Registered Professional Reporter #823848,</p> <p>7 Certified Realtime Reporter, Realtime Systems</p> <p>8 Administrator, and Notary Public of the District</p> <p>9 of Columbia.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 A P P E A R A N C E S C O N T I N U E D</p> <p>2 ON BEHALF OF DEFENDANTS:</p> <p>3 JESSICA SCHAU NELSON, ESQUIRE</p> <p>4 Senior Counsel, Special</p> <p>5 Litigation and Matters</p> <p>6 Cybersecurity and Infrastructure</p> <p>7 Security Agency</p> <p>8 (202) 870-3578</p> <p>9 Jessica.SchauNelson@cisa.dhs.gov</p> <p>10</p> <p>11 MATTHEW FLEISCHMAN, ESQUIRE</p> <p>12 OFFICE OF THE GENERAL COUNSEL</p> <p>13 U.S. DEPARTMENT OF HOMELAND SECURITY</p> <p>14 (202) 746-8414</p> <p>15 matthew.fleischman@hq.dhs.gov</p> <p>16</p> <p>17</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 Joseph E. Ellis, Certified Legal Video Specialist</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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| <p>1 EXHIBITS CONTINUED</p> <p>2 (Attached to the Transcript)</p> <p>3 BRIAN J. SCULLY Deposition Exhibit PAGE</p> <p>4 Exhibit 30 The Intercept_ Truth Cops 319</p> <p>5 Article Leaked Documents Outline</p> <p>6 DHS's Plan to Police Disinformation,</p> <p>7 Dated 10/31/2022</p> <p>8 Exhibit 31 OIG Report DHS Needs a 328</p> <p>9 Unified Strategy to Counter</p> <p>10 Disinformation Campaigns, dated</p> <p>11 08/10/2022</p> <p>12 Exhibit 46 CISA Draft Report to the CISA 352</p> <p>13 Director, dated 06/22/2022 Bates</p> <p>14 Stamped MOLA_DEFSPROD_00015459-463</p> <p>15 Exhibit 49 The Breakdown Article Brian 345</p> <p>16 Scully on government response to</p> <p>17 Disinformation, dated 06/18/2020</p> <p>18 Exhibit 52 02/17/2022 E-mail string Bates 349</p> <p>19 Stamped MOLA_DEFSPROD_00015736-737</p> <p>20 Exhibit 59 02/11/2022 E-mail Bates Stamped 359</p> <p>21 MOLA_DEFSPROD_00011414-415</p> <p>22 Exhibit 61 NRMC Election Security Initiative 13</p> <p>23 Organizational Chart - August 2022</p> <p>24 Exhibit 62 LinkedIn Profile of Jack Cable 194</p> <p>25 Public Interest Technologist</p> | <p>1 Justice, on behalf of the defendants, and</p> <p>2 witness does reserve the right to read and sign.</p> <p>3 With me today is Jessica Nelson,</p> <p>4 with CISA. Matt Fleischman, with the Department</p> <p>5 of Homeland Security and Indraneel Sur, with my</p> <p>6 office, the Department of Justice. We all</p> <p>7 represent the defendants.</p> <p>8 THE VIDEOGRAPHER: Would the court</p> <p>9 reporter please swear in the witness.</p> <p>10 (Witness sworn)</p> <p>11 THE VIDEOGRAPHER: You may proceed.</p> <p>12 BRIAN J. SCULLY</p> <p>13 having been duly sworn, testified as follows:</p> <p>14 EXAMINATION</p> <p>15 BY MR. SAUER:</p> <p>16 Q. Mr. Scully, could you please state</p> <p>17 your full name for the record?</p> <p>18 A. Sure. Brian Joseph Scully.</p> <p>19 Q. How long -- or what is your current</p> <p>20 job title?</p> <p>21 A. Brand P for the MDM branch, at the</p> <p>22 National Risk Management Center, which is part</p> <p>23 of the Department of Homeland Security.</p> <p>24 Q. How long have you had that</p> <p>25 particular job?</p> |
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| <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are on the</p> <p>3 record. Today's date is January 12th, 2023, and</p> <p>4 the time is now 9:06 a.m. This is the video</p> <p>5 recorded deposition of Brian Scully in the</p> <p>6 matter of the State of Missouri, et al.,</p> <p>7 plaintiff, versus Joseph R. Biden, Junior, et</p> <p>8 al., defendants, Case Number</p> <p>9 3:22-CV-01213-TAD-KDM in the United States</p> <p>10 District Court for the Western District of</p> <p>11 Louisiana, Monroe Division.</p> <p>12 This deposition is being held via</p> <p>13 Zoom.</p> <p>14 The reporter's name is Cassandra</p> <p>15 Ellis. My name is Robyn Ellis. I'm the legal</p> <p>16 videographer. We are with Lexitas Legal.</p> <p>17 Would the attorneys present please</p> <p>18 introduce themselves and parties they represent.</p> <p>19 MR. SAUER: John Sauer, from the</p> <p>20 Missouri Attorney General's Office, on behalf of</p> <p>21 the plaintiffs. And I'm joined by my colleague,</p> <p>22 Todd Scott, who's in the room with the witness,</p> <p>23 also of the Missouri Attorney General's Office.</p> <p>24 MR. GARDNER: And this is Josh</p> <p>25 Gardner, with the United States Department of</p> | <p>1 A. Almost -- almost four years, I</p> <p>2 started in January 2019.</p> <p>3 Q. What did you do before that?</p> <p>4 A. I was a deputy for the countering</p> <p>5 and foreign influence task force, starting in</p> <p>6 April-ish, April/May 2018.</p> <p>7 Q. And what was your -- what was your</p> <p>8 job before that one?</p> <p>9 A. I was a director for policy and</p> <p>10 strategy in the Office of Infrastructure</p> <p>11 Protection.</p> <p>12 Q. Have you ever given a deposition</p> <p>13 before?</p> <p>14 A. I have not.</p> <p>15 Q. So this is your first one?</p> <p>16 A. This is my first deposition.</p> <p>17 Q. Can I just go over some common</p> <p>18 ground rules with you?</p> <p>19 First of all, obviously what you</p> <p>20 and I say is being transcribed by the court</p> <p>21 reporter, so can we make an effort not to talk</p> <p>22 too fast?</p> <p>23 A. Yep.</p> <p>24 Q. And could you give -- I saw you nod</p> <p>25 your head there, and then you said yes. Could</p> |

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|---|--|
| <p>1 you try and give a verbal answer to my</p> <p>2 questions, you know, don't rely on uh-huh or</p> <p>3 uhn-uhn or head shaking as we go forward today.</p> <p>4 A. Yes, I can do that.</p> <p>5 Q. Can we make an effort not to</p> <p>6 interrupt each other, because that results in a</p> <p>7 kind of confused transcript.</p> <p>8 A. Of course.</p> <p>9 Q. Okay. And then can you make an</p> <p>10 effort to listen carefully to the question that</p> <p>11 I'm asking you, and respond to the question that</p> <p>12 I ask, instead of discussing some other</p> <p>13 tangential topic as the day goes forward?</p> <p>14 A. Of course.</p> <p>15 Q. And you understand --</p> <p>16 A. Yes.</p> <p>17 Q. You understand that at the end of</p> <p>18 the day, if your attorney wants to ask you some</p> <p>19 follow-up questions he may have the opportunity</p> <p>20 to do that.</p> <p>21 But when -- as I ask questions, I</p> <p>22 would ask you to focus on the questions I'm</p> <p>23 asking you, and respond to those; is that fair?</p> <p>24 A. That's fair.</p> <p>25 (Exhibit No. 61 was marked for</p> | <p>1 sure, because I think the day's going to go more</p> <p>2 smoothly, if I can direct your attention to</p> <p>3 stuff on the screen share.</p> <p>4 So you can see the screen share,</p> <p>5 sir?</p> <p>6 A. Yes, I can.</p> <p>7 Q. Okay. Just looking at the top of</p> <p>8 this document, do you recognize it as an org</p> <p>9 chart for August 2022, of a subdivision of CISA?</p> <p>10 A. Yes.</p> <p>11 Q. And what -- what -- are you</p> <p>12 familiar with this org chart?</p> <p>13 A. Somewhat familiar with it, yes.</p> <p>14 Q. I just want to direct your</p> <p>15 attention over here on the right side of the</p> <p>16 page, you see here where it lists you as the</p> <p>17 chief of the mis, dis and mal-information team?</p> <p>18 A. Okay.</p> <p>19 Q. Is that your job title?</p> <p>20 A. Yes.</p> <p>21 Q. Yeah, what, exactly -- generally</p> <p>22 speaking, what do you do as the chief of the</p> <p>23 mis, dis and mal-information team for CISA, the</p> <p>24 Cyber Security and Infrastructure Security</p> <p>25 Agency?</p> |
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| <p>1 identification.)</p> <p>2 BY MR. SAUER:</p> <p>3 Q. Let me start by showing you an</p> <p>4 exhibit, and I apologize, this exhibit is out of</p> <p>5 numerical order already, so I'm e-mailing it to</p> <p>6 your counsel right now. It's pre-marked Exhibit</p> <p>7 61, but it will be the first exhibit we look at</p> <p>8 today.</p> <p>9 And I'm going to pull it up on the</p> <p>10 screen share. Can you see that screen share?</p> <p>11 I'm going to zoom in a little bit.</p> <p>12 MR. GARDNER: Hey, John, it hasn't</p> <p>13 come through yet, the e-mail, so it's just --</p> <p>14 unfortunately, that's kind of far away, it's a</p> <p>15 little challenging to see, but as soon as we get</p> <p>16 your e-mail we'll pull it up.</p> <p>17 MR. SAUER: You said you can't see</p> <p>18 what's on the screen share if I zoom in?</p> <p>19 MR. GARDNER: As you make it larger</p> <p>20 it's easier, but I don't want to speak for what</p> <p>21 the witness can and can't see.</p> <p>22 THE WITNESS: Yeah, I can see it.</p> <p>23 BY MR. SAUER:</p> <p>24 Q. Okay. I'm happy to wait until it</p> <p>25 arrives on the e-mail. I just want to make</p> | <p>1 A. So I -- obviously I manage the</p> <p>2 team, as a team lead. So I manage the staff,</p> <p>3 set priority, things like that.</p> <p>4 The purpose of the team is to build</p> <p>5 national resilience to MDM, targeting critical</p> <p>6 infrastructure.</p> <p>7 Q. Generally speaking, what kind of</p> <p>8 activities are involved in building resilience</p> <p>9 to critical infrastructure -- or sorry --</p> <p>10 A. We felt -- sure.</p> <p>11 So principally what we do is</p> <p>12 develop products for public awareness and</p> <p>13 education or products for key stakeholders to</p> <p>14 help them understand how MDM works and steps</p> <p>15 they can take to mitigate the risks.</p> <p>16 Q. Do you do anything else, besides</p> <p>17 developing products?</p> <p>18 A. We engage with different</p> <p>19 stakeholders, civil society groups, obviously</p> <p>20 other federal partners, private sector</p> <p>21 organizations, and then we -- we do some</p> <p>22 analysis of open source reporting, and we do --</p> <p>23 obviously, you know, in 2020 we did some</p> <p>24 switchboard work on behalf of election</p> <p>25 officials.</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 Q. Switchboard work, what does that 2 mean? 3 A. It was essentially an audit 4 official to identify something on social media 5 they deemed to be disinformation aimed at their 6 jurisdiction. They could forward that to CISA 7 and CISA would share that with the appropriate 8 social media companies. 9 Q. And what was the purpose of sharing 10 it with social media companies? 11 A. Mostly for informational awareness 12 purposes, just to make sure that the social 13 media companies were aware of potential 14 disinformation. 15 Q. Was there an understanding that if 16 the social media platforms were aware of 17 disinformation that they might apply their 18 content moderation policies to it? 19 A. Yes. So the idea was that they 20 would make decision on the content that was 21 forwarded to them based on their policies. 22 Q. Whereas, if it hadn't been brought 23 to their attention then they obviously wouldn't 24 have moderated it as content; correct? 25 A. Yeah, I suppose that's true, as far</p> | <p style="text-align: right;">Page 19</p> <p>1 Q. Who's doing it while she's gone? 2 A. And she -- I'm sorry, could you 3 repeat that? 4 Q. Who's -- who's playing that role in 5 her absence? 6 A. I am. 7 Q. Okay. And so for the past, I 8 guess, three or four months you've served as 9 essentially the active engagements lead for the 10 MDM team? 11 A. Correct. 12 Q. And that goes back, I think you 13 said, to September of 2022; is that right? 14 A. Correct. 15 Q. When do you expect Ms. Protentis to 16 return? 17 A. Her maternity leave ends in a 18 couple of weeks, I believe the 23rd, potentially 19 being gone on a detail assignment, so probably 20 January 2024. 21 Q. Oh, so you don't expect her back 22 for another year, because of the detail? 23 A. Correct. 24 Q. Is the detail in -- relate to 25 anything having to do with mis, dis or</p> |
| <p style="text-align: right;">Page 18</p> <p>1 as I'm aware of it. 2 Q. Directing your attention to the org 3 chart again, can you -- I would sort of walk 4 through the people here on your team and ask 5 you, kind of who they are and what they do, so 6 starting on the right column, I see Lauren 7 Protentis on as the engagements lead; who is she 8 and what does she do for your team? 9 A. So she was -- she's a -- she's the 10 engagements lead. So her job was engaging with 11 key stakeholders, interagency partners, private 12 sector partners, essentially a majority of 13 our outreach and engagement efforts, she managed 14 those. 15 Q. Outreach and engagement to key 16 stakeholders, does that include social media 17 platforms? 18 A. It did, yeah. 19 Q. When you say: "It did," does she 20 still do this or does she no longer communicate 21 with social media platforms? 22 A. Well, she's on the -- she's been on 23 maternity leave since September, so she's -- 24 she's not currently doing it, when she returns 25 to CISA that would be her role.</p> | <p style="text-align: right;">Page 20</p> <p>1 mal-information? 2 A. I believe that will be part of her 3 portfolio on the detail, yeah. 4 Q. Where is she going, if I may ask? 5 A. The National Security Council. 6 Q. And in her absence, you're serving 7 as the kind of person who directly communicates 8 with social media platforms, among other 9 stakeholders? 10 A. Correct. 11 Q. I should mention, you used the 12 shorthand earlier, MDM, and I assume it will 13 come up again today. When you use that, you're 14 referring to mis, dis and mal-information; 15 right? 16 A. Correct. 17 Q. I think sometimes CISA refers to MD 18 to refer to mis and disinformation; is that 19 right? 20 A. I'm not sure I've ever seen us use 21 MD, but that would be proactive in the context, 22 yeah. 23 Q. Turning your attention back to the 24 period from September of 2022 to the present, 25 what sorts of communications have you had with</p> |

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|---|---|
| <p style="text-align: right;">Page 21</p> <p>1 social media platforms in Ms. Protentis's stead?</p> <p>2 A. Two -- I would say two general</p> <p>3 types of communications, one, we did regular</p> <p>4 sync meetings between government and industry,</p> <p>5 so federal partners and different social media</p> <p>6 platforms. So it's just a coordinated meeting.</p> <p>7 Facebook was the industry lead, so</p> <p>8 I would have coordination calls with them prior</p> <p>9 to the meetings, just to set the agenda for the</p> <p>10 meetings, so that was one.</p> <p>11 And then two, if a platform was</p> <p>12 putting out a public statement -- or not public</p> <p>13 statement -- public report on policies or</p> <p>14 activities, we would often get a briefing on</p> <p>15 that or at least get an awareness that it was</p> <p>16 going out.</p> <p>17 Those are the two main types of</p> <p>18 communications.</p> <p>19 Q. Did you -- were you involved in the</p> <p>20 last -- in the period since September 2022, and</p> <p>21 have you been involved in flagging any</p> <p>22 misinformation or disinformation issues for</p> <p>23 social media platforms?</p> <p>24 A. No, not that we recall. We didn't</p> <p>25 do switchboarding in 2022.</p> | <p style="text-align: right;">Page 23</p> <p>1 decision was made; correct?</p> <p>2 MR. GARDNER: Objection.</p> <p>3 BY MR. SAUER:</p> <p>4 Q. Correct?</p> <p>5 MR. GARDNER: Sorry. Objection,</p> <p>6 mischaracterizes the witness's previous</p> <p>7 testimony.</p> <p>8 A. Yeah, the earliest would have been</p> <p>9 mid April --</p> <p>10 Q. The earliest would have been mid</p> <p>11 April?</p> <p>12 A. -- probably.</p> <p>13 Q. Okay. And then possibly beginning</p> <p>14 of May?</p> <p>15 A. Yeah.</p> <p>16 Q. And you said -- you called this</p> <p>17 switchboarding.</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Switchboarding refers to routing</p> <p>20 particular disinformation concerns to social</p> <p>21 media platforms so they can evaluate them under</p> <p>22 the content modulation -- modulation policies;</p> <p>23 correct?</p> <p>24 A. So switchboarding is CISA's role in</p> <p>25 forwarding reporting received from election</p> |
| <p style="text-align: right;">Page 22</p> <p>1 Q. So when was that decision made not</p> <p>2 to do switchboarding in 2022?</p> <p>3 A. I believe it was back in April that</p> <p>4 that decision was made?</p> <p>5 Q. Who made that decision?</p> <p>6 A. April 2022.</p> <p>7 Q. Was that early or late April, do</p> <p>8 you know?</p> <p>9 A. I don't. I don't recall.</p> <p>10 Q. Who made that decision?</p> <p>11 A. I -- I heard about it through Geoff</p> <p>12 Hale, who is -- is a senior org chart would be</p> <p>13 my supervisor. I believe he received that</p> <p>14 guidance from the director, Director Easterly.</p> <p>15 Q. So in -- some time around -- was</p> <p>16 this late April?</p> <p>17 A. Honestly, I don't recall. It's</p> <p>18 even possible it was in May by the time -- my</p> <p>19 memory's a little foggy on it -- but the</p> <p>20 earliest it was is probably mid April.</p> <p>21 Q. Do you know --</p> <p>22 A. And it could have gone any time</p> <p>23 into early May.</p> <p>24 Q. So the earliest would have been</p> <p>25 late April, but possibly early May is when that</p> | <p style="text-align: right;">Page 24</p> <p>1 officials, state/local election officials, to</p> <p>2 social media platforms.</p> <p>3 Q. CISA forwarded disinformation</p> <p>4 concerns from many other sources, besides state</p> <p>5 and local election officials, to social media</p> <p>6 platforms?</p> <p>7 A. I don't believe so, not that I</p> <p>8 recall.</p> <p>9 Q. Turning back to the two kinds of</p> <p>10 interactions you had with social media</p> <p>11 platforms, the last months since September of</p> <p>12 2022, the first one you mentioned was, I</p> <p>13 believe, a sync meeting between social media</p> <p>14 platforms and the US government; correct?</p> <p>15 A. Correct.</p> <p>16 Q. How often did those occur?</p> <p>17 A. They started as monthly, until, I</p> <p>18 think, October. And then we did a couple of</p> <p>19 biweekly, I believe two biweekly meetings --</p> <p>20 Q. What was the purpose of the --</p> <p>21 A. -- prior to the election.</p> <p>22 Q. What was the purpose of these</p> <p>23 meetings?</p> <p>24 A. Generally speaking, from a CISA</p> <p>25 perspective, we would -- we would provide kind</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 of -- we would try to educate the platforms on</p> <p>2 how elections actually function, how they're</p> <p>3 administered, potential threats to the election</p> <p>4 administration, things like that.</p> <p>5 So CISA's -- you know, has some</p> <p>6 expertise in the election security space. So</p> <p>7 our role in the meetings was generally to</p> <p>8 provide kind of expertise on how elections</p> <p>9 actually work to the platforms.</p> <p>10 Q. And you said that was your role.</p> <p>11 Were there other federal agencies</p> <p>12 involved in these meetings?</p> <p>13 A. There were, and -- and that role</p> <p>14 was generally Geoff Hale. My role in the</p> <p>15 meetings was generally to just oversee them,</p> <p>16 facilitate the meetings.</p> <p>17 Other agencies would provide</p> <p>18 high-level reviews or strategic intelligence</p> <p>19 briefs, if they had any -- anything to share</p> <p>20 that was unclassified.</p> <p>21 Q. What sorts of -- first of all, what</p> <p>22 agencies participated?</p> <p>23 A. DOJ, FBI, ODNI, and then DHS.</p> <p>24 Q. When you say DHS, was that just</p> <p>25 CISA, you and Geoff Hale, or were there other</p> | <p style="text-align: right;">Page 27</p> <p>1 saying to social media platforms, are they</p> <p>2 saying, hey, you're going to see this kind of</p> <p>3 content popping up on Facebook and Twitter and</p> <p>4 so forth, and, you know, therefore, we want you</p> <p>5 to be alert to it, what kind of -- what's the</p> <p>6 purpose of giving them these briefings?</p> <p>7 A. So generally speaking, it's hard</p> <p>8 for me to speak directly to the I&A reporting</p> <p>9 because, you know, I don't recall all the</p> <p>10 details of it, but generally speaking, it was</p> <p>11 more strategic-level. So high-level things that</p> <p>12 they might be seeing, actors that might be</p> <p>13 interested in undermining confidence in the</p> <p>14 elections.</p> <p>15 If they were seeing potential</p> <p>16 domestic terrorism type threats, those sorts of</p> <p>17 things, generally speaking, at least as long as</p> <p>18 I recall, there was never any discussion of</p> <p>19 specific content.</p> <p>20 Q. Did they identify specific domestic</p> <p>21 actors who they believed might try to undermine</p> <p>22 confidence in election outcomes through social</p> <p>23 media?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Let me ask this: Who, on the</p> |
| <p style="text-align: right;">Page 26</p> <p>1 components of DHS involved?</p> <p>2 A. The Office of Intelligence and</p> <p>3 Analysis of DHS also participated.</p> <p>4 Q. And that's called IA; is that</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And what was -- what did they say</p> <p>8 at these meetings, I&A?</p> <p>9 A. If they put out unclassified</p> <p>10 reporting, under their normal mandate, they</p> <p>11 would just talk about the reporting that they --</p> <p>12 that they published, that was related to</p> <p>13 election security.</p> <p>14 Q. What kind of reporting did they do,</p> <p>15 is it about foreign influence or is it about</p> <p>16 domestic threats, what kind of reporting do they</p> <p>17 do?</p> <p>18 A. I'm not a hundred percent certain</p> <p>19 of their -- their mission of authority. I</p> <p>20 believe and recall what they talked about, they</p> <p>21 certainly talked about foreign threats. I'm not</p> <p>22 sure -- they may have also talked a little bit</p> <p>23 about domestic terrorism threats, but I think</p> <p>24 that -- but I'm not 100 percent certain.</p> <p>25 Q. Like what sorts of things are they</p> | <p style="text-align: right;">Page 28</p> <p>1 government side of these meetings, who</p> <p>2 participates on behalf of -- who participated on</p> <p>3 behalf of CISA?</p> <p>4 A. Geoff Hale and myself were the</p> <p>5 primaries, and then you might have others who</p> <p>6 were in listen-only mode. So Kim Wyman, for</p> <p>7 example, would sometimes be in listen-only mode.</p> <p>8 Allison Snell would sometimes be essentially the</p> <p>9 deputy or, slash, chief of staff of the --</p> <p>10 underneath Geoff, she would sometimes be in</p> <p>11 listen-only mode. And then obviously when</p> <p>12 Lauren was pre-maternity leave she would also be</p> <p>13 on.</p> <p>14 Q. And then for I&A, who was on these</p> <p>15 meetings?</p> <p>16 A. In 2022, I believe Luke Beckman was</p> <p>17 the lead. And then they would, depending on,</p> <p>18 you know, what product they were briefing, they</p> <p>19 would bring an analyst on, so those would</p> <p>20 change.</p> <p>21 Q. Do you remember any other human</p> <p>22 beings, besides Luke Beckman, from I&A, who</p> <p>23 participated in these meetings in the period of</p> <p>24 time we're talking about, from September 2022 to</p> <p>25 the present?</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 A. I don't know. Like I -- Luke was</p> <p>2 the kind of principal lead, and who I coordinate</p> <p>3 with, I don't recall the analysts' names that</p> <p>4 they might have on there now.</p> <p>5 Q. What's his title?</p> <p>6 A. Honestly, I don't know. I believe</p> <p>7 he's in the cyber mission center, but they are</p> <p>8 odd up there, so I'm not entirely sure what his</p> <p>9 title was, sorry.</p> <p>10 Q. You mentioned FBI had</p> <p>11 representatives at these meetings; is that</p> <p>12 right?</p> <p>13 A. Correct.</p> <p>14 Q. Who from FBI participated in these</p> <p>15 meetings?</p> <p>16 A. I recall Laura Dehmlow, at least</p> <p>17 one, and I forget who -- who the other folks</p> <p>18 were.</p> <p>19 Q. How many FBI people?</p> <p>20 A. Generally, there would be one,</p> <p>21 maybe two.</p> <p>22 Q. How about Elvis Chan, was he on</p> <p>23 these meetings?</p> <p>24 A. Oh, good reminder. Thank you.</p> <p>25 Yes, he would be on some of them,</p> | <p style="text-align: right;">Page 31</p> <p>1 working, you know, in the timeframe we're</p> <p>2 talking about, I don't believe that they raised</p> <p>3 any.</p> <p>4 Q. Do you have -- how about before</p> <p>5 that, when Ms. Protentis was still handling the</p> <p>6 meetings?</p> <p>7 A. Not -- not that I recall. Yeah, I</p> <p>8 don't -- I don't -- I don't recall, in</p> <p>9 particular, yeah, sorry.</p> <p>10 Q. And I take it these meetings, we've</p> <p>11 been talking about them in the period from last</p> <p>12 September until now, but they're actually going</p> <p>13 on intermittently, at least, for years; right?</p> <p>14 A. Yeah, so the first meeting we had</p> <p>15 with -- between federal and -- and industry was</p> <p>16 in 2018.</p> <p>17 Q. Yeah, we're talking -- we're now</p> <p>18 kind of four years in, and then in terms of</p> <p>19 their frequency I take it they -- they --</p> <p>20 they're less frequent when you're further away</p> <p>21 from election, and they become monthly as the</p> <p>22 election gets closer, and then they become</p> <p>23 weekly or biweekly, you know, within the last</p> <p>24 month or so before an election; is that right?</p> <p>25 A. I would say 2018, 2019 they were</p> |
| <p style="text-align: right;">Page 30</p> <p>1 as well. I forgot about Elvis.</p> <p>2 Q. Do you remember anyone else,</p> <p>3 besides him?</p> <p>4 A. There would be, again, periodically</p> <p>5 other people would be on from different parts of</p> <p>6 FBI, but again, Laura was usually who we</p> <p>7 coordinated through, and I don't really</p> <p>8 remember -- I don't really remember the other</p> <p>9 names, sorry.</p> <p>10 Q. When you say Laura, that's Laura</p> <p>11 Dehmlow is who you coordinated through?</p> <p>12 A. Correct.</p> <p>13 Q. When you say: You coordinated</p> <p>14 through them, what kind of coordination did CISA</p> <p>15 do with FBI as it pertained to these meetings?</p> <p>16 A. Yeah, so basically coordinating</p> <p>17 time and the logistics of the meeting, and then</p> <p>18 two, if they had any particular agenda items</p> <p>19 they wanted to raise, you know, when we were</p> <p>20 putting together the agenda, I would just check</p> <p>21 with them to see if they had any -- any</p> <p>22 particular agenda items they wanted to raise.</p> <p>23 Q. What sort of agenda items did they</p> <p>24 raise?</p> <p>25 A. I don't believe in the time I was</p> | <p style="text-align: right;">Page 32</p> <p>1 very infrequent, so we maybe did them quarterly</p> <p>2 or less. And then sometime in 2020 we started</p> <p>3 monthly. And then, like you said, as we got</p> <p>4 closer to the election they would pick up. And</p> <p>5 then after the election they would -- we would</p> <p>6 spread them back out again.</p> <p>7 But 2018 and 2019 was different</p> <p>8 than 2020 and beyond.</p> <p>9 Q. And is there a plan to have these</p> <p>10 meetings continue in 2023?</p> <p>11 A. Not currently.</p> <p>12 Q. So you don't know -- you don't know</p> <p>13 whether there's going to be quarterly meetings</p> <p>14 or anything like that in 2023?</p> <p>15 A. Correct.</p> <p>16 Q. Who from DOJ was at these meetings?</p> <p>17 A. Rodney Patton -- Patton.</p> <p>18 Q. Anyone else?</p> <p>19 A. No, not that I recall.</p> <p>20 Q. How do you spell his last name?</p> <p>21 A. I believe it's P-a-t-t-o-n.</p> <p>22 Q. Like the general?</p> <p>23 A. Yes.</p> <p>24 Q. What -- what is his title at DOJ?</p> <p>25 A. I don't know what his title is, but</p> |

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|---|---|
| <p>1 I believe he's in the national security</p> <p>2 division.</p> <p>3 Q. Was national security division of</p> <p>4 DOJ participating in these meetings leading up</p> <p>5 to the 2020 election?</p> <p>6 A. Yes.</p> <p>7 Q. Who from NSD participated in those</p> <p>8 meetings?</p> <p>9 A. I believe it was Rodney, back then,</p> <p>10 as well.</p> <p>11 Q. Do you remember anyone else?</p> <p>12 A. Adam Hickey may have jumped on a</p> <p>13 couple.</p> <p>14 Q. Is he also from the national</p> <p>15 security division of DOJ?</p> <p>16 A. I believe so, yeah.</p> <p>17 Q. Is that H-i-c-k-e-y?</p> <p>18 A. Yes.</p> <p>19 Q. What, if anything, did DOJ say in</p> <p>20 these meetings?</p> <p>21 A. Generally speaking, they didn't say</p> <p>22 anything. Yeah, I don't recall in 2022 or even</p> <p>23 back in 2020 that they were -- were particularly</p> <p>24 active in the meetings.</p> <p>25 Q. Do you remember anyone from DOJ</p> | <p>1 (Recess.)</p> <p>2 THE VIDEOGRAPHER: The time is now</p> <p>3 9:34. We're back on the record.</p> <p>4 MR. GARDNER: And counsel, I will</p> <p>5 instruct the witness not to answer that question</p> <p>6 on the basis of the National Security Act, that</p> <p>7 information is extraordinarily protected.</p> <p>8 MR. SAUER: Before we proceed, I --</p> <p>9 I'm announcing, for the record, that Mr. Kent</p> <p>10 Capps, from the Missouri Attorney General's</p> <p>11 Office joined the call on behalf of plaintiffs</p> <p>12 in the last break.</p> <p>13 BY MR. SAUER:</p> <p>14 Q. Was there anyone -- how many</p> <p>15 individuals from ODNI participated in these</p> <p>16 meetings in 2022?</p> <p>17 A. I believe there were two to three.</p> <p>18 Q. Without telling me who they are, do</p> <p>19 you remember who they are?</p> <p>20 A. I remember one's name and one's</p> <p>21 position, the second one's position.</p> <p>22 Q. How about 2020, how many --</p> <p>23 A. Again, it was -- it was three or</p> <p>24 four.</p> <p>25 Q. Do you remember who they were?</p> |
| Page 34 | Page 36 |
| <p>1 saying anything at any point?</p> <p>2 A. I mean, I'm -- I'm sure they did,</p> <p>3 but I don't recall.</p> <p>4 Q. Do you remember anyone from DOJ</p> <p>5 ever, you know, putting an agenda items on the</p> <p>6 calendar for these meetings?</p> <p>7 A. I don't, no.</p> <p>8 Q. How about ODNI, the Office of the</p> <p>9 Director of National Intelligence, what human</p> <p>10 being from there participated in these meetings</p> <p>11 in 2022?</p> <p>12 A. Is it okay if I ask my attorneys a</p> <p>13 quick question?</p> <p>14 Q. The question --</p> <p>15 MR. GARDNER: Is it about a</p> <p>16 privilege?</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MR. GARDNER: Yeah, John, if you</p> <p>19 want him to answer that question we'll need to</p> <p>20 recess quickly so he can consult with counsel</p> <p>21 about these issues of privilege.</p> <p>22 MR. SAUER: Let's go off the</p> <p>23 record.</p> <p>24 THE VIDEOGRAPHER: The time is now</p> <p>25 9:32. We're off the record.</p> | <p>1 A. I remember the lead person's name.</p> <p>2 Q. Did people from ODNI speak in these</p> <p>3 meetings during 2022?</p> <p>4 A. Yes.</p> <p>5 Q. What did they say?</p> <p>6 A. Again, generally speaking, if they</p> <p>7 had some strategic intelligence, unclassified,</p> <p>8 strategic intelligence reporting, they might</p> <p>9 share a quick summary of that. It was fairly</p> <p>10 limited in the timeframe from September</p> <p>11 through -- through the election, though.</p> <p>12 Q. Were you in the meetings prior to</p> <p>13 September of 2022, when Ms. Protentis was still</p> <p>14 at your team?</p> <p>15 A. I joined several of them over the</p> <p>16 summer, a couple -- couple of them over the</p> <p>17 summer, prior to her departure. And that was</p> <p>18 just the meetings, themselves, not necessarily</p> <p>19 the coordination meetings prior to the actual</p> <p>20 sync meetings.</p> <p>21 Q. So the coordination meeting, is</p> <p>22 that a bilateral meeting that happens between</p> <p>23 CISA and Facebook?</p> <p>24 A. Yes, CISA and Facebook, and then we</p> <p>25 would do CISA with the interagency. We would</p> |

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|---|---|
| <p>1 do -- federal interagency partners would do a</p> <p>2 coordination meeting.</p> <p>3 Q. That would be separate from the</p> <p>4 meeting with Facebook?</p> <p>5 A. Correct.</p> <p>6 Q. Would there be two preparatory</p> <p>7 meetings, one between CISA --</p> <p>8 A. Generally, yes.</p> <p>9 Q. One between --</p> <p>10 A. Sorry.</p> <p>11 Q. -- CISA and Facebook, and one</p> <p>12 between CISA and other federal agencies?</p> <p>13 A. Yes, that is correct.</p> <p>14 Q. Turning back to what ODNI said at</p> <p>15 these meetings in 2022, what do you remember,</p> <p>16 more specifically, that they said? Did they</p> <p>17 ever raise a specific threat advisory?</p> <p>18 A. Not that I recall. I -- again,</p> <p>19 generally speaking, it was -- it was -- I don't</p> <p>20 recall specifics, so I'll just say that upfront.</p> <p>21 And generally speaking, it was --</p> <p>22 it was higher level, kind of strategic of what a</p> <p>23 threat actor may be considering or thinking</p> <p>24 about.</p> <p>25 Q. And do they identify specific</p> | <p>1 mentioned.</p> <p>2 Q. How about Wiki Media Foundation?</p> <p>3 A. I know they participated in some, I</p> <p>4 don't know how frequently, and if it -- I don't</p> <p>5 recall them participating from September on, but</p> <p>6 it's possible.</p> <p>7 Q. Were concerns about misinformation</p> <p>8 and disinformation on social media platforms</p> <p>9 discussed in these meetings in the 2022</p> <p>10 timeframe?</p> <p>11 A. Yes.</p> <p>12 Q. What -- what was -- what was said</p> <p>13 about those concerns and by whom?</p> <p>14 A. Again, it was a more general</p> <p>15 approach. So from a CISA MDM team perspective,</p> <p>16 if we were developing any products we would</p> <p>17 discuss those. We didn't -- we released, I</p> <p>18 believe, two sets of products in that timeframe.</p> <p>19 And in others, if there was the</p> <p>20 intelligence community, if they're reporting</p> <p>21 included foreign actors who were potentially</p> <p>22 going to use information operations, they might</p> <p>23 mention that in their briefings. But I don't</p> <p>24 remember specific, you know, what the specifics</p> <p>25 of every kind of mention were.</p> |
| Page 38 | Page 40 |
| <p>1 threat actors?</p> <p>2 A. Potential state actors, yeah, so</p> <p>3 other countries.</p> <p>4 Q. How about domestic actors?</p> <p>5 A. No, not that I recall.</p> <p>6 Q. Did anyone on the US government</p> <p>7 side, in these meetings, identify domestic</p> <p>8 actors in the lead-up to the 2022 election?</p> <p>9 A. They -- they may identify domestic</p> <p>10 actors, generally, but not -- to my</p> <p>11 recollection, there's no mention of specific</p> <p>12 actors, individuals, or groups that I recall.</p> <p>13 Q. What social media platforms</p> <p>14 participated in these meetings?</p> <p>15 A. So obviously Facebook, Twitter,</p> <p>16 Microsoft, Google, Reddit generally</p> <p>17 participated, I believe sometimes LinkedIn would</p> <p>18 join. They're a subsidiary of Microsoft, so</p> <p>19 generally we worked through Microsoft. Those</p> <p>20 are the ones that I recall.</p> <p>21 I believe there are others, as</p> <p>22 well, at different times, that maybe</p> <p>23 participated in a meeting or two.</p> <p>24 But from September 2022 to the</p> <p>25 election, I think it was principally the five I</p> | <p>1 Q. But you --</p> <p>2 A. And then the platforms -- sorry, to</p> <p>3 give you both sides, that was just the</p> <p>4 government side -- the platforms, they might</p> <p>5 share some high-level trend information from</p> <p>6 public reporting that they put out. So a lot of</p> <p>7 the platforms do their own regular reports on</p> <p>8 what they're seeing on their platforms and what</p> <p>9 they're -- what actions they're taking. And so</p> <p>10 the platforms, themselves, would share that type</p> <p>11 of information.</p> <p>12 Q. So they would report to the</p> <p>13 government on what sorts of mis and</p> <p>14 disinformation they were seeing on their</p> <p>15 platforms and what content moderation actions</p> <p>16 they were taking with respect to it?</p> <p>17 A. So they would share essentially</p> <p>18 what they were getting ready to make public or</p> <p>19 what they had already made public. So they</p> <p>20 would share kind of what they're seeing in their</p> <p>21 public reports, and then potentially provide</p> <p>22 some additional context around that.</p> <p>23 So as I mentioned, most of the</p> <p>24 platforms would put out regular public reporting</p> <p>25 on what they were doing and what actions they</p> |

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| <p>1 were taking. And so they would share that, and</p> <p>2 if the government had questions or was looking</p> <p>3 for additional context they would often talk</p> <p>4 about that, they would generally talk about any</p> <p>5 new tactics that they were seeing.</p> <p>6 Most of what they -- my</p> <p>7 recollections for the time period we're talking</p> <p>8 about here, from September 2022 to the election</p> <p>9 in 2022, I recall most of it was foreign based.</p> <p>10 But, you know, when we -- often</p> <p>11 what you see overseas essentially makes its way</p> <p>12 to the United States. So they would share kind</p> <p>13 of trends and tactics that they were seeing, but</p> <p>14 again, it was all based on public reporting that</p> <p>15 they put out.</p> <p>16 Q. And you say that this -- all these</p> <p>17 things that they're doing all relate to</p> <p>18 misinformation and disinformation on the</p> <p>19 platforms; correct?</p> <p>20 A. They don't call it misinformation</p> <p>21 or disinformation, generally, on the platforms.</p> <p>22 They generally define it as coordinated</p> <p>23 inauthentic behavior.</p> <p>24 So they -- so -- so that's how they</p> <p>25 would describe it. They wouldn't normally kind</p> | <p>1 products. So, you know, for putting out a fact</p> <p>2 sheet or, for example, we have several graphic</p> <p>3 novels that we've developed, he would work and</p> <p>4 manage that process to get the products out, so</p> <p>5 the review process, the drafting process, things</p> <p>6 like that.</p> <p>7 Q. These products you're referring to,</p> <p>8 I take it those are written, publicly available</p> <p>9 bulletins or other written work products</p> <p>10 discussing disinformation and misinformation; is</p> <p>11 that right?</p> <p>12 A. Correct. All of our product are</p> <p>13 available on our website.</p> <p>14 Q. Below him is Alex Zaheer, analyst;</p> <p>15 what does he do?</p> <p>16 A. He's a more junior analyst. He</p> <p>17 supports essentially across our three lines of</p> <p>18 work. So he helps Chad on some, he helps Warren</p> <p>19 on some of the engagement work, and then he</p> <p>20 supports Rob Schaul, who leads our analysis work</p> <p>21 in doing analysis activities, but he kind of</p> <p>22 cuts across all three.</p> <p>23 Q. And Rob Schaul is listed over there</p> <p>24 on the left side as analysis and response lead;</p> <p>25 correct?</p> |
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| <p>1 of say misinformation or disinformation. And</p> <p>2 they would each kind of define coordinated and</p> <p>3 inauthentic behavior differently.</p> <p>4 I don't -- so I don't know that</p> <p>5 they would agree. I don't want to speak for the</p> <p>6 platforms, obviously. I don't know if they</p> <p>7 would agree that they were framing it as</p> <p>8 misinformation or disinformation.</p> <p>9 Q. From the CISA MDM teams</p> <p>10 perspective, is coordinated inauthentic behavior</p> <p>11 typically a kind of mis and disinformation?</p> <p>12 A. It could lead to mis or</p> <p>13 disinformation, for sure, yeah. But it's not</p> <p>14 always mis or disinformation.</p> <p>15 Q. So the coordinated and inauthentic</p> <p>16 behavior may be a source of mis or</p> <p>17 disinformation of particular concern?</p> <p>18 A. It could be, yeah. It could be an</p> <p>19 indicator.</p> <p>20 Q. Let me ask this: Turning back to</p> <p>21 the org chart, that should be on the screen,</p> <p>22 below Ms. Protentis, is Chad Josiah, who's</p> <p>23 described as the resilience lead. What is his</p> <p>24 role on your team?</p> <p>25 A. So he manages the production of our</p> | <p>1 A. Yes.</p> <p>2 Q. What does he do?</p> <p>3 A. So he does a couple things, so one,</p> <p>4 he leads our engagement with international</p> <p>5 partners; two, he builds relationships with the</p> <p>6 research community, both in academia, across the</p> <p>7 federal government, as well as in the private</p> <p>8 sector; and then, three, he pulls that together</p> <p>9 to identify new reporting or research about MDM</p> <p>10 that might be of interest to the team; and then</p> <p>11 the fourth bucket of it is he helps develop kind</p> <p>12 of analytic type products.</p> <p>13 So right now, for example, we're</p> <p>14 working on a risk framework to help our</p> <p>15 stakeholders understand how to determine if an</p> <p>16 MDM campaign is a risk to them or not.</p> <p>17 So he would help kind of on that</p> <p>18 side of things.</p> <p>19 Q. Okay. There was -- so he talks to</p> <p>20 international partners; who are they?</p> <p>21 A. It varies. Generally, all of our</p> <p>22 engagements with international partners come</p> <p>23 through the State Department or the CISA</p> <p>24 international office.</p> <p>25 We have engaged with NATO, G7 at</p> |

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| <p>1 the kind of multilateral level, with the CFI,</p> <p>2 counter foreign interference forum, that</p> <p>3 includes several countries. And then we have</p> <p>4 different bilateral engagements. A lot of</p> <p>5 countries want to come and talk to us, and so</p> <p>6 we'll do basically MDM 101 for different</p> <p>7 countries at their request.</p> <p>8 Q. So this is both -- these are both</p> <p>9 foreign governments and foreign nongovernmental</p> <p>10 organizations?</p> <p>11 A. Yeah. I suppose if you consider</p> <p>12 the multilateral organizations, like NATO and G7</p> <p>13 as nongovernmental, but essentially we're only</p> <p>14 talking to government -- foreign government</p> <p>15 officials.</p> <p>16 Q. So the purpose of those discussions</p> <p>17 is to, what, track misinformation that is</p> <p>18 circulating in foreign countries that might come</p> <p>19 to the United States?</p> <p>20 A. No, that's not the purpose of the</p> <p>21 meetings.</p> <p>22 Q. Then what's the purpose?</p> <p>23 A. The purpose of the meetings is to</p> <p>24 share information about -- from a CISA</p> <p>25 perspective, share information about resilience</p> | <p>1 University of Michigan.</p> <p>2 Essentially, if there's an academic</p> <p>3 research that puts out a report that we think is</p> <p>4 of interest, and kind of reflects our work, we</p> <p>5 try to have conversations with them to try to</p> <p>6 understand what their research findings are, and</p> <p>7 in a non-profit stage, you know, the Alliance</p> <p>8 For Securing Democracy, the Digital Frameworks</p> <p>9 Research Lab -- sorry, for the court reporter, I</p> <p>10 know I'm talking quickly. So, you know, groups</p> <p>11 like that.</p> <p>12 And then from a private sector</p> <p>13 perspective we talk to groups like Graphika,</p> <p>14 Alethia Group (phonetic), and organizations like</p> <p>15 those, who, again, kind of do that sort of work,</p> <p>16 mandates, you know, different organizations.</p> <p>17 So again, the idea is to have a</p> <p>18 relationship with them so if they put out some</p> <p>19 reporting or some research publicly, that we can</p> <p>20 set up a meeting and kind of learn more about</p> <p>21 what they're seeing and what they're doing.</p> <p>22 Q. And has that kind of coordination</p> <p>23 gone on not from the last year but before the</p> <p>24 2020 election cycle?</p> <p>25 A. Yeah.</p> |
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| <p>1 building. So there's some countries that are</p> <p>2 much more mature and have been doing it for a</p> <p>3 long time. So we try to learn from them kind of</p> <p>4 what they're doing, what works, what doesn't</p> <p>5 work.</p> <p>6 So that's, again, from a CISA</p> <p>7 perspective, that's primarily our engagement</p> <p>8 with these groups.</p> <p>9 Q. And then you mentioned that</p> <p>10 Mr. Schaul coordinates with academic and</p> <p>11 research partners; is that correct?</p> <p>12 A. He doesn't coordinate, he builds</p> <p>13 relationships with, so that we can -- you know,</p> <p>14 if you have questions about reporting they put</p> <p>15 out or public reports that they have, public</p> <p>16 research, things like that, then we can have</p> <p>17 conversations with them about that research.</p> <p>18 Q. Who -- who -- who -- who do you</p> <p>19 have relationships like that with?</p> <p>20 A. We have relationships with a range</p> <p>21 of different entities. So from an academic</p> <p>22 standpoint, we've talked to folks at Harvard, at</p> <p>23 Clemson, University of Washington, Stanford, I</p> <p>24 believe we talked to people at Georgetown and</p> <p>25 American University, Michigan University,</p> | <p>1 Q. And I think you mentioned a few</p> <p>2 entities there that includes Stanford and the</p> <p>3 University of Washington, Graphika; correct?</p> <p>4 A. Correct.</p> <p>5 Q. And all those organizations were --</p> <p>6 were involved in something called Election</p> <p>7 Integrity Partnership; right?</p> <p>8 A. Yep.</p> <p>9 Q. Yeah, what is the Election</p> <p>10 Integrity Partnership?</p> <p>11 A. I mean, it's a collaboration</p> <p>12 amongst -- I believe in 2020 it's amongst those</p> <p>13 four -- amongst four organizations, to -- to</p> <p>14 better understand what was going on in the</p> <p>15 information environment around elections.</p> <p>16 Q. And you say were those four -- you</p> <p>17 say those four organizations, I think I</p> <p>18 mentioned three, Stanford, University of</p> <p>19 Washington and Graphika, and was the Atlanta</p> <p>20 Council involved in that?</p> <p>21 A. Yeah, I believe the Digital</p> <p>22 Forensic Research Lab was involved.</p> <p>23 Q. And then were there other</p> <p>24 collaborators, besides those four, on the</p> <p>25 Election Integrity Partnership?</p> |

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| <p>1 A. I think those were the official</p> <p>2 members of the partnership. I -- I don't know</p> <p>3 if you mean something different about</p> <p>4 collaborators.</p> <p>5 Q. Well, let me ask this: Was CISA --</p> <p>6 did CISA have any involvement in the Election</p> <p>7 Integrity Partnership?</p> <p>8 A. Involvement in the sense that a</p> <p>9 couple of our interns came up with the idea and</p> <p>10 that we had some communications with them, yes.</p> <p>11 Q. What kinds of communications did</p> <p>12 you have with them?</p> <p>13 A. So we received some briefings on</p> <p>14 the work that they were doing. And then, like I</p> <p>15 said, we had some interns that ended up working</p> <p>16 on it. Those are principally -- principally the</p> <p>17 communications.</p> <p>18 We had some communications early on</p> <p>19 in the process, when they were making decisions,</p> <p>20 when Stanford was trying to figure out what the</p> <p>21 gap was.</p> <p>22 So yeah, so it was just general,</p> <p>23 like you would have with any other research</p> <p>24 organization.</p> <p>25 Q. So it was no different than the</p> | <p>1 Q. Are you -- you're declining to</p> <p>2 answer the question without an instruction?</p> <p>3 A. Correct.</p> <p>4 Q. And you said those interns were</p> <p>5 also involved in the Election Integrity</p> <p>6 Partnership; correct?</p> <p>7 A. I believe they worked for the</p> <p>8 Stanford Internet Observatory, as well, so yes.</p> <p>9 Q. And they were working for CISA and</p> <p>10 Stanford Internet Observatory on the project?</p> <p>11 A. When they came up with the idea,</p> <p>12 they -- obviously they were just interns. After</p> <p>13 their internships a couple of interns remained</p> <p>14 as interns. Several others went back to</p> <p>15 Stanford, as students, and did not remain as</p> <p>16 interns. Two of the interns ended up working on</p> <p>17 both in the fall; correct.</p> <p>18 Q. You said two of the interns who</p> <p>19 were CISA interns, in the fall of 2020, worked</p> <p>20 on the Election Integrity Partnership; is that</p> <p>21 right?</p> <p>22 A. They worked at the Stanford</p> <p>23 Internet Observatory, which was part of the</p> <p>24 Partnership.</p> <p>25 Q. Were there any other interactions</p> |
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| <p>1 communications you had with other research</p> <p>2 organizations?</p> <p>3 A. I think the one difference, I would</p> <p>4 say, is that we -- we probably connected them</p> <p>5 with other -- so we connected them with the</p> <p>6 Center For Internet Security, and we connected</p> <p>7 them with some of the election official groups,</p> <p>8 so the National Association of Secretaries of</p> <p>9 State and the National Association of State</p> <p>10 Election Directors, and then we facilitated some</p> <p>11 meetings between those three.</p> <p>12 Q. Let me ask you this: You said you</p> <p>13 had -- I take it you said some CISA interns came</p> <p>14 up with the idea; is that right?</p> <p>15 A. Correct.</p> <p>16 Q. And who are those interns?</p> <p>17 A. I'm not going to give their names.</p> <p>18 Q. Who were those interns?</p> <p>19 A. Yeah, I'm not going to give those</p> <p>20 names.</p> <p>21 Q. Who were -- you have no --</p> <p>22 A. The Stanford students -- Stanford</p> <p>23 students have seen substantial amount of</p> <p>24 harassment from public reporting. I'm not going</p> <p>25 to include my interns in that.</p> | <p>1 between CISA and the Election Integrity</p> <p>2 Partnership, that you're aware of?</p> <p>3 A. So just to say so we had some</p> <p>4 initial conversation with the interns. We had a</p> <p>5 conversation with the Stanford Internet</p> <p>6 Observatory folks about the gap.</p> <p>7 I believe we received a briefing</p> <p>8 from them, or two, on kind of what they were</p> <p>9 putting together.</p> <p>10 We facilitated some meetings</p> <p>11 between Stanford folks, the Center For Internet</p> <p>12 Security, and election officials, where they had</p> <p>13 discussions about how they would work together.</p> <p>14 And then I -- I'm sure we had some</p> <p>15 conversations, kind of throughout, when they</p> <p>16 were -- particularly when they were putting out</p> <p>17 public reporting about what they were seeing.</p> <p>18 I wouldn't be surprised if there</p> <p>19 were some other kind of brief conversations in</p> <p>20 there, but I'm not recalling.</p> <p>21 But those are generally the</p> <p>22 categories of the conversations we had.</p> <p>23 Q. Did the Election Integrity</p> <p>24 Partnership, or a similar collaboration of any</p> <p>25 kind, operate during the 2022 election cycle?</p> |

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| <p>1 MR. GARDNER: Objection, vague.</p> <p>2 BY MR. SAUER:</p> <p>3 Q. You may answer.</p> <p>4 A. So I believe the EIP did operate,</p> <p>5 but I'm not -- I'm not certain what they did.</p> <p>6 Q. How do you know they operated in</p> <p>7 2022?</p> <p>8 A. I believe they put out a public --</p> <p>9 some public reporting.</p> <p>10 Q. Did you have --</p> <p>11 A. But I --</p> <p>12 Q. Go ahead.</p> <p>13 A. We did not have communications with</p> <p>14 them. They gave us a briefing, early on, about</p> <p>15 what they were thinking about, and that was the</p> <p>16 extent of our communications with them on that</p> <p>17 stuff.</p> <p>18 Q. When did that briefing occur?</p> <p>19 A. I believe it was May/June of 2022.</p> <p>20 Q. Who was at that briefing on your</p> <p>21 end, CISA?</p> <p>22 A. On my end, it was me, I believe</p> <p>23 Geoff Hale. Who else was in that? I think one</p> <p>24 of our -- I think that may have been it, but</p> <p>25 there might have been one other staff person</p> | <p>1 Q. Sorry, I think you said this</p> <p>2 earlier, and I can't remember.</p> <p>3 When did this briefing occur, would</p> <p>4 you say it was in May or June of 2022?</p> <p>5 A. I believe it was around that</p> <p>6 timeframe. My timeline recollections are awful,</p> <p>7 so I apologize for that, but I think it was</p> <p>8 around that timeline.</p> <p>9 Q. Did you --</p> <p>10 A. Things all blur together.</p> <p>11 Q. Did they -- in fact, let me ask</p> <p>12 you: Did they invite CISA to participate again?</p> <p>13 A. No. CISA didn't -- I mean, I</p> <p>14 wouldn't say CISA participated in 2020, so it</p> <p>15 wouldn't have been again, so it would have been</p> <p>16 participate for -- kind of for the first time.</p> <p>17 Q. Did they invite CISA to have any</p> <p>18 role, at all, in what they were doing?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Why were they giving you a</p> <p>21 briefing, then?</p> <p>22 A. I think they should know our role</p> <p>23 in the federal government for election security.</p> <p>24 And we have, you know, an established</p> <p>25 relationship with them. So I think they were</p> |
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| <p>1 there, as well. But it was primarily Geoff Hale</p> <p>2 and myself, that I recall.</p> <p>3 Q. Who was in the briefing on the EIP</p> <p>4 side?</p> <p>5 A. Renée DiResta was the lead, and</p> <p>6 then one of their staff, I believe his name was</p> <p>7 John, but honestly I forget what his name is.</p> <p>8 Q. So just two people?</p> <p>9 A. That I recall, yeah.</p> <p>10 Q. What did they say in the briefing?</p> <p>11 A. Essentially, they just walked</p> <p>12 through what their plans were for 2022, some of</p> <p>13 the lessons learned from 2020, that was</p> <p>14 essentially the gist of the conversation.</p> <p>15 Q. What were their plans for 2022?</p> <p>16 A. It sounded like they were going to</p> <p>17 do something similar to what they did in 2020 in</p> <p>18 terms of trying to support election officials.</p> <p>19 Q. Did they indicate that they were</p> <p>20 coordinating with state and local election</p> <p>21 officials?</p> <p>22 A. I think that was their goal with</p> <p>23 the -- with the work with state and local</p> <p>24 election officials. I'm not sure how they would</p> <p>25 describe it.</p> | <p>1 just going around and making sure -- again, I</p> <p>2 don't -- I don't want to speak for them, but my</p> <p>3 sense was that they were just kind of briefing</p> <p>4 people who -- who were involved in election</p> <p>5 security at the federal level.</p> <p>6 Q. Do you -- do you know -- do you</p> <p>7 have any knowledge of what they actually did,</p> <p>8 after that briefing, during the 2022 election</p> <p>9 cycle?</p> <p>10 A. No. I know -- like I said, the</p> <p>11 reason I -- I think they were operating was</p> <p>12 there was a couple of public reports, one -- at</p> <p>13 least one public report, that I recall, that I</p> <p>14 thought was pretty good, but was it about</p> <p>15 specific disinformation, it was basically how to</p> <p>16 think about whether or not a narrative poses</p> <p>17 risks.</p> <p>18 As I mentioned earlier, we were</p> <p>19 particularly interested in understanding how to</p> <p>20 determine if MDM creates risk. And we thought</p> <p>21 their products was pretty good on that.</p> <p>22 Q. You used a phrase earlier, that I</p> <p>23 did -- I passed over, and I didn't understand, a</p> <p>24 specific gap that we were talking about putting</p> <p>25 together the I&P in the first place. What's the</p> |

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| <p>1 gap that you're referring to?</p> <p>2 A. Sure. So we had a conversation</p> <p>3 with the interns, and they were asking questions</p> <p>4 about kind of needs that the election officials</p> <p>5 have, generally.</p> <p>6 One of the gaps that we identified</p> <p>7 from 2018 is, as you know, most election</p> <p>8 officials their offices are fairly low staff,</p> <p>9 low resourced, and so there was no -- they</p> <p>10 didn't have capabilities to try to identify</p> <p>11 disinformation targeting their jurisdictions,</p> <p>12 and so was essentially the gap is that most</p> <p>13 election offices throughout the country just</p> <p>14 didn't have that capacity or capability to be</p> <p>15 monitoring so that they could identify anything</p> <p>16 that would be potentially target their</p> <p>17 jurisdictions, so that was the gap.</p> <p>18 Q. So the gap is that state and local</p> <p>19 election officials don't -- just don't have the</p> <p>20 bandwidth or capacity to monitor mis and</p> <p>21 disinformation on social media that may affect</p> <p>22 their jurisdictions; right?</p> <p>23 A. Correct.</p> <p>24 Q. And then I take it was it the</p> <p>25 interns' idea that the Election Integrity</p> | <p>1 A. Our focus generally was not to play</p> <p>2 that role, no. We -- we weren't looking to</p> <p>3 identify -- monitor social media to share with</p> <p>4 platforms.</p> <p>5 Q. You mentioned that you -- I think</p> <p>6 you mentioned you put EIP in touch with CIS, the</p> <p>7 Center For Internet Security; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. What is the Center For Internet</p> <p>10 Security.</p> <p>11 A. I don't -- I don't know how to</p> <p>12 describe them. They're essentially, as I</p> <p>13 understand it, they're non-profit that oversees</p> <p>14 the multi-state ISAC and the election</p> <p>15 infrastructure subsector information sharing and</p> <p>16 analysis center, that's what ISAC stands for, so</p> <p>17 that's my understanding of what they do. I</p> <p>18 don't know what else they do. I know them in</p> <p>19 those two contexts.</p> <p>20 Q. And those two contexts are</p> <p>21 overseeing an ISAC, I-S-A-C, that involves</p> <p>22 multiple states; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. Now, and that's a -- basically a</p> <p>25 sharing collaborative that they facilitate</p> |
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| <p>1 Partnership could be set up to kind of fill in</p> <p>2 that gap, was that the idea?</p> <p>3 A. Again, I don't want to speak for</p> <p>4 the interns. But at that point I don't think</p> <p>5 they were necessarily thinking about more of a</p> <p>6 partnership.</p> <p>7 I think the conversation was more</p> <p>8 along the lines of this may be something that</p> <p>9 the Stanford Internet Observatory could look</p> <p>10 into, and then I think they went back and talked</p> <p>11 to their folks at the Stanford Internet</p> <p>12 Observatory and the idea was formed from there.</p> <p>13 So I don't think that was the</p> <p>14 interns' initial thought was to have the EIP.</p> <p>15 Q. Was there discussions of having</p> <p>16 CISA fill that gap, for example, by doing</p> <p>17 routing disinformation concerns to social media</p> <p>18 platforms?</p> <p>19 A. With the -- there's no conversation</p> <p>20 with the interns about CISA filling the gap, no.</p> <p>21 Q. How about internally to CISA, did</p> <p>22 CISA view itself as kind of helping fill that</p> <p>23 gap by, you know, helping state and local</p> <p>24 election officials addressing this mis and</p> <p>25 disinformation concern?</p> | <p>1 amongst state and local election officials; is</p> <p>2 that right?</p> <p>3 A. Yeah, it's a general woven artifact</p> <p>4 is information sharing with the sector. So each</p> <p>5 sector -- not each -- most sectors have their</p> <p>6 own information sharing and analysis center.</p> <p>7 They're independently stood up to serve those</p> <p>8 sectors.</p> <p>9 And so CIS was the one who was</p> <p>10 responsible for kind of running the two that I</p> <p>11 mentioned.</p> <p>12 Q. I'm sorry, what were those two, can</p> <p>13 you identify them again?</p> <p>14 A. Sure. The multistate ISAC and the</p> <p>15 election infrastructure subsector ISAC. And</p> <p>16 just as a reminder of what ISAC is Information</p> <p>17 Sharing and Analysis Center.</p> <p>18 Q. And those are, I think, referred to</p> <p>19 as the EI-ISAC and the MS-ISAC; is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And both of those, I take it,</p> <p>22 involve basically information sharing amongst</p> <p>23 state and local election officials; is that</p> <p>24 right?</p> <p>25 A. I believe only the election</p> |

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| <p>1 infrastructure one is focussed on -- on election</p> <p>2 officials. I believe the multistate one is</p> <p>3 broader across state and local government, but</p> <p>4 includes a broader set. I'm not sure if</p> <p>5 election officials are involved in the</p> <p>6 multistate.</p> <p>7 Q. Is the Center For Internet Security</p> <p>8 funded, in part, by CISA?</p> <p>9 A. To the best of my knowledge, CISA</p> <p>10 provides funding for the EI-ISAC.</p> <p>11 Q. Okay. And do you know how -- how</p> <p>12 is that funding provided, is it grants or how is</p> <p>13 it provided?</p> <p>14 A. I don't believe it's a grant, but</p> <p>15 I'm not 100 percent certain what the -- what the</p> <p>16 actual mechanism is, vehicle for the money to go</p> <p>17 there.</p> <p>18 Q. But they're --</p> <p>19 A. My understanding is that it's</p> <p>20 statutory, as well, but I could be wrong, also,</p> <p>21 so I don't want to speak too much.</p> <p>22 Q. But you're aware that CISA does</p> <p>23 provide funding for CIS to operate the EI-ISAC;</p> <p>24 is that right?</p> <p>25 A. My understanding is that they</p> | <p>1 sure that they were all connected.</p> <p>2 Q. And so the same mission, I take it,</p> <p>3 is the switchboarding role that you've talked</p> <p>4 about before?</p> <p>5 A. Correct.</p> <p>6 Q. Yeah, so I take it CISA was playing</p> <p>7 a switchboarding role in 2020, but you mentioned</p> <p>8 that that's resource intensive and it wasn't</p> <p>9 something that you guys wanted to be principally</p> <p>10 responsible for; right?</p> <p>11 A. Something we didn't want to be</p> <p>12 responsible for, at all. But election officials</p> <p>13 asked if we could continue serving in that role</p> <p>14 until they kind of got something else set up.</p> <p>15 Q. And you did do that, right, in 2020</p> <p>16 you mentioned earlier that CISA performed a</p> <p>17 switchboarding function; right?</p> <p>18 A. Correct, in 2020.</p> <p>19 Q. And then Center For Internet</p> <p>20 Security performs a switchboarding function,</p> <p>21 too; is that right?</p> <p>22 A. Yeah. So yes, yes and no. So yes</p> <p>23 in the sense they were receiving reporting</p> <p>24 directly from election officials. In the early</p> <p>25 part of 2020, they would forward what they were</p> |
| Page 62 | Page 64 |
| <p>1 provide funding to the EI-ISAC. I don't know if</p> <p>2 the goes -- if the EI-ISAC is an organization,</p> <p>3 and the money goes to them or if the money goes</p> <p>4 to CIS, and then they filter it down to the</p> <p>5 EI-ISAC. I'm not sure how it works, in</p> <p>6 practice.</p> <p>7 Q. Does CIS operate the EI-ISAC, I</p> <p>8 mean, does it kind of run it?</p> <p>9 A. Yeah, that's essentially how I see</p> <p>10 it, yeah.</p> <p>11 Q. And then you say you put them in</p> <p>12 touch, or CISA put the EIP in touch with CIS in</p> <p>13 2020, do you remember that?</p> <p>14 A. Yes.</p> <p>15 Q. How did that happen?</p> <p>16 A. So CISA's general position on -- on</p> <p>17 the switchboarding role was that it wasn't a</p> <p>18 role we necessarily wanted to play, because it's</p> <p>19 very resource intensive. And so we had been</p> <p>20 working with election officials to try to find</p> <p>21 an alternate way for them to have that role,</p> <p>22 somebody play that role.</p> <p>23 They seemed to settle on the Center</p> <p>24 For Internet Security. And so since the EIP was</p> <p>25 working on the same mission, we wanted to make</p> | <p>1 receiving election officials to us at CISA, and</p> <p>2 then we would push that to the social media</p> <p>3 platform; as 2021 moved along, CIS more</p> <p>4 frequently provided that directly to the</p> <p>5 platforms, themselves.</p> <p>6 And so I would say early on in the</p> <p>7 process, the switchboarding generally came</p> <p>8 through CISA. Later on in the process, it was</p> <p>9 more of a mixed bag of how the switchboarding</p> <p>10 worked.</p> <p>11 Q. And then did EIP play a</p> <p>12 switchboarding role, too?</p> <p>13 A. I believe EIP did report stuff to</p> <p>14 the platforms, themselves, yes.</p> <p>15 Q. And was there coordination between</p> <p>16 the switchboarders, so to speak, CISA and EIP</p> <p>17 and CIS?</p> <p>18 A. Most of the coordination was</p> <p>19 between CISA and the Centers For Internet</p> <p>20 Security.</p> <p>21 There was a point where one of the</p> <p>22 platforms was concerned about too much kind of</p> <p>23 duplicate reporting coming in, and so we did</p> <p>24 have some conversations with EIP and CIS on how</p> <p>25 to kind of better manage that activity to make</p> |

16 (Pages 61 to 64)

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|---|--|
| <p>1 sure we weren't overwhelming the platforms.</p> <p>2 Q. In other words, like Twitter or</p> <p>3 Facebook would be hearing from CIS and CISA and</p> <p>4 EIP about a disinformation concern; correct?</p> <p>5 A. Yeah. Generally speaking, yes,</p> <p>6 I'll just leave it there, yes, that's correct.</p> <p>7 Q. And then --</p> <p>8 A. Twitter, in particular, reached out</p> <p>9 to us and had some concerns about that.</p> <p>10 Q. And I take you talked to EIP and</p> <p>11 talked to CIS about creating a more streamlined</p> <p>12 process through the platforms?</p> <p>13 A. I don't think it was necessarily a</p> <p>14 streamlined process. We just wanted to make</p> <p>15 sure that there was -- that there was awareness</p> <p>16 for the platform.</p> <p>17 So I think, to be honest with you,</p> <p>18 I don't recall how we ended up following this,</p> <p>19 in practice. But I think it was just we would</p> <p>20 let everybody know when we were setting</p> <p>21 something up through CIS. We would let CIS</p> <p>22 know, and I think CIS, through that</p> <p>23 relationship, would like EIP know.</p> <p>24 But I don't recall, specifically,</p> <p>25 how we ended up kind of solving that problem.</p> | <p>1 media platforms; correct.</p> <p>2 Q. Yeah.</p> <p>3 A. Yeah, I'm not sure. Sorry.</p> <p>4 Q. When -- when was EIP copied by CIS</p> <p>5 or you on disinformation e-mails, if ever?</p> <p>6 A. I don't believe we ever -- CISA</p> <p>7 ever copied EIS on e-mails we sent to platforms.</p> <p>8 I don't -- but where we were forwarding -- if we</p> <p>9 were forwarding something we received from an</p> <p>10 election official to the platform, I don't</p> <p>11 believe CISA ever copied EIP, certainly not to</p> <p>12 my recollection. It wasn't kind of our process.</p> <p>13 I can't speak for the Center For</p> <p>14 Internet Security. I don't -- I don't recall</p> <p>15 who they were including on theirs.</p> <p>16 Q. Did you notify EIP if you were</p> <p>17 flagging a disinformation concern for a social</p> <p>18 media platform in any way?</p> <p>19 A. Not that I -- not directly, that I</p> <p>20 recall. We would -- we would generally copy the</p> <p>21 Center For Internet Security.</p> <p>22 Q. Was it your understanding that they</p> <p>23 were communicating with EIP?</p> <p>24 A. CIS? Yeah, that was essentially</p> <p>25 the -- their relationship was between those two,</p> |
| Page 66 | Page 68 |
| <p>1 Q. But at least there was, I guess,</p> <p>2 kind of communication among CISA, the EIP, and</p> <p>3 CIS about who was reporting various concerns in</p> <p>4 an attempt to kind of de-duplicate what's being</p> <p>5 sent to the social media platforms?</p> <p>6 A. Yeah, I don't recall being directly</p> <p>7 from CISA to EIP. Like I said, I think we</p> <p>8 mostly worked it through CIS.</p> <p>9 Q. Was there -- for example, was there</p> <p>10 direct e-mail communication between EIP and</p> <p>11 CISA?</p> <p>12 A. I'm sure there was.</p> <p>13 Q. I mean, was it your practice to</p> <p>14 copy the CISA's -- or sorry -- the EIP's tips,</p> <p>15 e-mail address when you were -- you or CIS was</p> <p>16 reporting a disinformation concern to a social</p> <p>17 media platform?</p> <p>18 A. No, that was not standard practice.</p> <p>19 Q. Did CIS do that?</p> <p>20 A. I don't know. That's a good</p> <p>21 question. I don't know.</p> <p>22 Q. Why don't we --</p> <p>23 A. Just to be clear, you're -- sorry,</p> <p>24 just to be clear, you were asking if they were</p> <p>25 sending EIP when they sent e-mail to social</p> | <p>1 yeah.</p> <p>2 Q. So in other words, you had the</p> <p>3 understanding that CIS had a relationship of</p> <p>4 communication and coordination with the Election</p> <p>5 Integrity Partnership; right?</p> <p>6 A. Yes. Correct.</p> <p>7 Q. And then you would notify CIS if</p> <p>8 you were reporting something to a social media</p> <p>9 platform on the understanding that they were</p> <p>10 coordinating with EIP on what was being</p> <p>11 reported; correct?</p> <p>12 A. No. The reason we -- we would</p> <p>13 coordinate with CIS was generally most of the</p> <p>14 reporting we received from an election official</p> <p>15 came through CIS. And so we just wanted to let</p> <p>16 them know that we were -- we had set it up so</p> <p>17 that they had awareness of kind of where the</p> <p>18 report had gone. And so that was the rationale</p> <p>19 for us coordinating with CIS.</p> <p>20 Q. And did you have the understanding</p> <p>21 that CIS was coordinating with EIP on what was</p> <p>22 being reported?</p> <p>23 A. I -- that would be speculating on</p> <p>24 exactly what they were doing there. I'm not</p> <p>25 sure.</p> |

17 (Pages 65 to 68)

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|--|---|
| <p>1 Q. You didn't know what they were 2 doing? 3 A. I mean, I know they coordinated on 4 things. I don't know the full nature of what 5 they were coordinating on, I don't want to put 6 words in their mouth. 7 (Exhibit No. 1 was marked for 8 identification.) 9 MR. SAUER: Let's look at Exhibit 10 1. I've sent that to your counsel. 11 MR. GARDNER: Yeah, we've got it up 12 here. 13 BY MR. SAUER: 14 Q. Can you also see it on the screen 15 share? 16 A. Yes. 17 Q. Are you familiar with this 18 document? 19 A. Yes. 20 Q. In other words, is this the report 21 that the Election Integrity Partnership did in 22 2021, about its activities in the 2020 election? 23 A. Correct. 24 Q. Had you read it before or how did 25 it get on your attention?</p> | <p>1 A. I think they just walked through 2 kind of what they did and how they did it, 3 explained what they kind of learned, how they 4 viewed some of the issues, things like that. 5 Q. Who participated in the briefing, 6 other than you, for CISA? 7 A. So I received a briefing when I was 8 at the National Security Council. So it was a 9 National Security Council colleague of mine, 10 Marybeth Foley (phonetic). 11 Q. Did CISA receive a briefing? 12 A. I don't know for certain. 13 Q. Did you do -- I can't remember if 14 you said this -- did you do a detail on the 15 National Security Council in that timeframe? 16 A. From January 2021 to March 2022 I 17 was on detail to the National Security Council. 18 Q. Why did they report to the National 19 Security Council? 20 MR. GARDNER: Objection, calls for 21 speculation. 22 BY MR. SAUER: 23 Q. You may answer. 24 A. Yeah, I don't know why. 25 Q. I mean, were they reporting back to</p> |
| Page 70 | Page 72 |
| <p>1 A. Yeah, I've read portions of it 2 before, and some of the folks briefed us on it. 3 Q. Who are the folks that briefed you 4 on it? 5 A. Alex Stamos and Renée DiResta. 6 Q. When did that briefing occur? 7 A. I'm sorry, when or where? 8 Q. When did that briefing occur? 9 A. It was late spring, early summer 10 2021. 11 Q. This would have been around the 12 time that the report was released? 13 A. Yeah, sometime after that. 14 Q. And Alex Stamos is at Stanford 15 Internet Observatory; right? 16 A. Yes. 17 Q. Does he also serve on some CISA 18 committees or subcommittees? 19 A. I don't know. 20 Q. Renée DiResta, is she also at 21 Stanford -- Stanford Internet Observatory; is 22 that right? 23 A. Yes. Yes, last I checked. 24 Q. Do you remember what they said in 25 the briefing?</p> | <p>1 you because you had communicated with them back 2 in 2020 or was it a report to your agency? 3 MR. GARDNER: Objection, compound, 4 calls for speculation. 5 A. Yeah, again, I don't -- I don't 6 know why they -- why they wanted to brief us. 7 Q. Can you see the document on the 8 screen share? 9 A. Yep. 10 Q. Scrolling down here on the third 11 page of the document, they list the participants 12 here. Are these the same participants that you 13 talked about earlier? 14 A. Yeah. 15 Q. Yeah? And I think you mentioned 16 Stanford Internet Observatory includes Alex 17 Stamos and Renée DiResta; correct? 18 A. Yes. 19 Q. And then the University of 20 Washington, Center For an Informed Public, is 21 that where Dr. Kate Starbird works? 22 A. I believe so, yes. 23 Q. And is she also on a CISA 24 subcommittee? Actually, isn't she on the MDM 25 subcommittee for the CSAC?</p> |

18 (Pages 69 to 72)

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|--|---|
| <p>1 A. I believe that's correct, yeah.</p> <p>2 Q. And is she also involved in the</p> <p>3 Election Integrity Partnership?</p> <p>4 A. Yeah, that's my understanding.</p> <p>5 Q. Jumping ahead just a tiny bit, past</p> <p>6 the table of contents, here in the executive</p> <p>7 summary, on page six, little Roman six, you see</p> <p>8 here it says: Election Integrity Partnership</p> <p>9 was formed to enable realtime information</p> <p>10 exchange between election officials, government</p> <p>11 agencies, civil society organizations, social</p> <p>12 media platforms, the media, and the research</p> <p>13 community; correct?</p> <p>14 A. Yeah, I see that sentence.</p> <p>15 Q. There's a reference to both</p> <p>16 election officials and government agencies</p> <p>17 engaging in realtime information exchange with</p> <p>18 social media platforms; correct?</p> <p>19 A. Yes.</p> <p>20 Q. What -- do you know what government</p> <p>21 agencies engaged in realtime information</p> <p>22 exchange under the aegis of the EIP?</p> <p>23 A. I don't know who they're referring</p> <p>24 to.</p> <p>25 Q. Did CISA do that, at all? Did CISA</p> | <p>1 conversations with them around that, as well.</p> <p>2 Q. Was there any communication from</p> <p>3 government officials to EIP about specific</p> <p>4 disinformation concerns?</p> <p>5 A. Not that I'm aware of, no.</p> <p>6 Q. Who at CISA was involved in any</p> <p>7 interactions with the Election Integrity</p> <p>8 Partnership?</p> <p>9 A. In addition to the two interns, the</p> <p>10 primary interaction was myself and Matt</p> <p>11 Masterson.</p> <p>12 Q. Are you aware of anyone else at</p> <p>13 CISA communicating with them?</p> <p>14 A. It's possible, but I don't recall,</p> <p>15 and it certainly wouldn't have been -- you know,</p> <p>16 they would have just been part of a meeting with</p> <p>17 either Matt or myself.</p> <p>18 Q. How about Lauren Protentis, did she</p> <p>19 communicate?</p> <p>20 A. She wasn't part of the MDM team in</p> <p>21 2020.</p> <p>22 Q. How about --</p> <p>23 A. So she would not have been</p> <p>24 communicating them.</p> <p>25 Q. How about Geoff Hale?</p> |
| Page 74 | Page 76 |
| <p>1 share information with EIP?</p> <p>2 A. Generally speaking, no.</p> <p>3 Q. How about more specifically, did</p> <p>4 anyone at CISA share information with the EIP?</p> <p>5 A. I mean, that's very broad. Did we</p> <p>6 share information? Can you be more specific</p> <p>7 about what type of information you're asking</p> <p>8 that we shared? We had conversations with them,</p> <p>9 so in that sense we shared information. Is</p> <p>10 there something in particular that you're asking</p> <p>11 about?</p> <p>12 Q. Sure. What conversations did you</p> <p>13 have with them? I know you summarized them</p> <p>14 earlier, can you be more specific?</p> <p>15 A. Yeah, I mean, I think that summary</p> <p>16 actually is -- is probably as specific as I can</p> <p>17 get. Like I said, we -- we had conversations</p> <p>18 with Stanford about the gap. They gave us some</p> <p>19 briefings on what they were doing, how they were</p> <p>20 doing it.</p> <p>21 Prior to the election, we had some</p> <p>22 conversations with them to facilitate and</p> <p>23 coordinate meetings, as I mentioned. And then</p> <p>24 when they put public reporting out, if we had</p> <p>25 questions about it, we would probably have</p> | <p>1 A. I -- I wouldn't be surprised if</p> <p>2 Geoff was on some of the conversations, but I</p> <p>3 don't recall -- I don't recall him</p> <p>4 participating.</p> <p>5 Q. How about Director Easterly? I</p> <p>6 guess she wasn't director back then. How about</p> <p>7 Director Krebs?</p> <p>8 A. I believe Director Krebs had a</p> <p>9 relationship with Alex Stamos. So he may have</p> <p>10 had conversations in that context. I don't -- I</p> <p>11 don't believe he had -- necessarily had</p> <p>12 conversations in relation to EIP.</p> <p>13 Q. And then, in fact, when he left</p> <p>14 CISA he joined Alex Stamos at the Stanford</p> <p>15 Internet Observatory or he joined Alex Stamos in</p> <p>16 some capacity, didn't he?</p> <p>17 A. I believe they started a business</p> <p>18 together, yes.</p> <p>19 Q. Do you know what that business was?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Do you know what that business was?</p> <p>22 A. I believe the name of it is</p> <p>23 Krebs -- Krebs/Stamos Group.</p> <p>24 Q. Do you know what it does?</p> <p>25 A. I believe cyber security theft.</p> |

19 (Pages 73 to 76)

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|--|---|
| <p>1 I'm not entirely sure.</p> <p>2 Q. Does it do anything related to</p> <p>3 misinformation and disinformation?</p> <p>4 A. I don't know, if they do it hasn't</p> <p>5 been something they've been promoting, that I'm</p> <p>6 aware of.</p> <p>7 Q. Are you aware of any communications</p> <p>8 between Director Krebs -- Krebs and Alex Stamos</p> <p>9 while he -- while Krebs was still director?</p> <p>10 MR. GARDNER: Objection, vague.</p> <p>11 A. Yeah, it's really vague.</p> <p>12 Again what --</p> <p>13 Q. Any communications is broad and not</p> <p>14 vague.</p> <p>15 I want to know if you have any</p> <p>16 communications of any kind between Director</p> <p>17 Krebs and Alex Stamos when Krebs was still</p> <p>18 director of CISA?</p> <p>19 MR. GARDNER: Same objection.</p> <p>20 A. I believe they -- Director Krebs</p> <p>21 may have participated in a couple of meetings</p> <p>22 that I'm aware of, that Stamos was also in, but</p> <p>23 beyond that I'm -- I'm not familiar with --</p> <p>24 obviously not going to be familiar with Krebs's</p> <p>25 direct communications with Stamos.</p> | <p>1 Q. Yeah.</p> <p>2 A. Yeah.</p> <p>3 Q. Are you aware of state and local</p> <p>4 election officials engaging in realtime</p> <p>5 information sharing with the election</p> <p>6 integrity -- you know, with social media</p> <p>7 platforms through the Election Integrity</p> <p>8 Partnership?</p> <p>9 A. I -- I don't know the relationship</p> <p>10 between EIP and election officials. I'm not</p> <p>11 sure if they're referring to direct reporting to</p> <p>12 them from election officials or if they're</p> <p>13 referring to reporting through the Center for</p> <p>14 Internet Security, I'm just not sure what</p> <p>15 they're referring to there.</p> <p>16 Q. How about through the Center For</p> <p>17 Internet Security, was there election reporting</p> <p>18 through them?</p> <p>19 A. Yeah, so generally speaking, the</p> <p>20 reporting that CISA received came through the</p> <p>21 Center For Internet Security.</p> <p>22 Q. Gotcha.</p> <p>23 And how about -- did -- did --</p> <p>24 as -- to the extent you understand, did EIP</p> <p>25 receive reporting through the Center of Internet</p> |
| Page 78 | Page 80 |
| <p>1 Q. What meetings were they both</p> <p>2 involved in, if you recall?</p> <p>3 A. So I can recall an event that</p> <p>4 occurred out in Stanford, that Krebs spoke at</p> <p>5 for the Stanford Internet Observatory, for</p> <p>6 example. I believe the first government</p> <p>7 industry sync Stamos was the Facebook lead, at</p> <p>8 the time. This was before he went to Stanford</p> <p>9 Internet Observatory, and Director Krebs</p> <p>10 participated in that meeting, so meetings like</p> <p>11 that.</p> <p>12 Beyond that, I don't have a real</p> <p>13 understanding of how they communicated with each</p> <p>14 other.</p> <p>15 Q. Was there any discussion of the</p> <p>16 Election Integrity Partnership at the meetings</p> <p>17 you're aware of?</p> <p>18 A. Not that I'm aware of, no.</p> <p>19 Q. Turning back to the screen share,</p> <p>20 it talks about election officials, engaging in</p> <p>21 realtime information sharing with social media</p> <p>22 platforms, among others; do you see that?</p> <p>23 A. Yeah, as part of that same</p> <p>24 sentence, right; is that what you're referring</p> <p>25 to?</p> | <p>1 Security, you know, kind of from election</p> <p>2 officials through the internet security to the</p> <p>3 Election Integrity Partnership?</p> <p>4 MR. GARDNER: Objection, lack of</p> <p>5 foundation.</p> <p>6 BY MR. SAUER:</p> <p>7 Q. You may answer. Do you know if --</p> <p>8 A. Yeah, I -- I'm not -- I'm not sure</p> <p>9 what their full relationship was and how they</p> <p>10 were sharing, what the specifics were. It</p> <p>11 wouldn't surprise me if CIS had shared some with</p> <p>12 EIP, but I just don't know.</p> <p>13 Q. You mentioned Matt Masterson, and I</p> <p>14 think you said that he was involved in briefing</p> <p>15 with the EIP; is that correct?</p> <p>16 A. No. He was involved -- involved</p> <p>17 in -- in conversations with Stanford Internet</p> <p>18 Observatory. He probably -- generally, all of</p> <p>19 our -- so just to take a step back, generally</p> <p>20 our communications, when VIPs stood up, were</p> <p>21 still at the Stanford Internet Observatory.</p> <p>22 So the conversations I'm aware of</p> <p>23 with Masterson were generally at the Stanford</p> <p>24 Internet Observatory. He was also briefed -- I</p> <p>25 seem to recall he was probably in some of the</p> |

20 (Pages 77 to 80)

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|--|---|
| <p>1 briefings I was in or conversations when we had</p> <p>2 questions about reporting that they did, public</p> <p>3 reporting.</p> <p>4 So I don't know how to kind of</p> <p>5 thread the needle between, you know, when they</p> <p>6 were just conversations with Stanford Internet</p> <p>7 Observatory and when they would be considered</p> <p>8 conversations with the EIP.</p> <p>9 Q. And that, I take it, you said</p> <p>10 thread the needle, I take it that's kind of a</p> <p>11 fuzzy distinction, because the EIP is a</p> <p>12 collaboration that involves the Stanford</p> <p>13 Internet Observatory; correct?</p> <p>14 A. Right.</p> <p>15 Q. Do you know -- do you know -- let</p> <p>16 me ask you this: What discussions do you know</p> <p>17 of between Matt Masterson and Stanford Internet</p> <p>18 Observatory that related in any way to the EIP?</p> <p>19 A. I think it would have just been if</p> <p>20 we had questions about public reporting.</p> <p>21 Q. What is --</p> <p>22 A. Kind of once they were up and</p> <p>23 running.</p> <p>24 So he was involved in some of the</p> <p>25 conversations before, you know, the first couple</p> | <p>1 MR. SAUER: I see a little</p> <p>2 interference. Shall we go off the record?</p> <p>3 THE WITNESS: There's interference</p> <p>4 with the top and the bottom. I'm not seeing</p> <p>5 that. Still, we can go off -- we can go off the</p> <p>6 record and try to fix that.</p> <p>7 MR. SAUER: Let's go off the</p> <p>8 record.</p> <p>9 THE VIDEOGRAPHER: The time is now</p> <p>10 10:27. We are off the record.</p> <p>11 (Recess.)</p> <p>12 THE VIDEOGRAPHER: The time is now</p> <p>13 10:40. We are back on the record.</p> <p>14 BY MR. SAUER:</p> <p>15 Q. Mr. Scully, I think we were talking</p> <p>16 about Matt Masterson before we had the</p> <p>17 technical -- technical difficulty.</p> <p>18 Generally speaking, do you know</p> <p>19 what role he had, if any, in originating the</p> <p>20 concept for the Election Integrity Partnership?</p> <p>21 A. So his primary role was the same as</p> <p>22 mine, in terms of just clarifying the gap that</p> <p>23 election officials faced for the folks at the</p> <p>24 Stanford Internet Observatory early on in the</p> <p>25 process.</p> |
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| <p>1 that I talked to about, kind of in our</p> <p>2 engagement with Stanford Internet Observatory,</p> <p>3 he was involved, I know, in at least one of the</p> <p>4 conversations about that.</p> <p>5 And then, after that, I don't think</p> <p>6 he was particularly involved, but he may have</p> <p>7 been involved, and we had some briefings for --</p> <p>8 or not briefings, I don't think is the right</p> <p>9 word, where we had conversations with them about</p> <p>10 public reporting we put out.</p> <p>11 Q. When you say public reporting, what</p> <p>12 do you mean?</p> <p>13 A. So the EIP put out regular kind of</p> <p>14 blog posts, excuse me, regular blog posts on</p> <p>15 what they were seeing, so -- so it was publicly</p> <p>16 available information.</p> <p>17 Q. And -- and did you -- did they</p> <p>18 discuss, you know, those blog posts with Matt</p> <p>19 Masterson or you before they were posted?</p> <p>20 A. Not that I recall.</p> <p>21 Q. And what discussions did you have</p> <p>22 with the public reporting?</p> <p>23 MR. SCOTT: John, just one second,</p> <p>24 it looks like the video is frozen on our end.</p> <p>25 Does it appear frozen on your end, as well.</p> | <p>1 Q. And is that something that you</p> <p>2 discussed with the interns when they came up</p> <p>3 with the idea? Did the interns come to you or</p> <p>4 Mr. Masterson and talk about the gap?</p> <p>5 A. I'm sorry, so are you referring</p> <p>6 specifically to the gap?</p> <p>7 Q. Yeah.</p> <p>8 A. Yeah, so the gap came from our --</p> <p>9 the gap came from myself.</p> <p>10 Q. That was your idea, that there is a</p> <p>11 gap, and you shared that with the interns?</p> <p>12 A. I'm not sure I would say that was</p> <p>13 my idea. That was -- that was just kind of from</p> <p>14 lessons learned from 2018, I think across the</p> <p>15 election community.</p> <p>16 I don't know that I would say that</p> <p>17 that was -- that was something that we came up</p> <p>18 with on our own.</p> <p>19 Q. Is that something you shared with</p> <p>20 the interns?</p> <p>21 A. It is something I shared with the</p> <p>22 interns, correct.</p> <p>23 Q. And then the interns came up with</p> <p>24 the idea of putting together the Election</p> <p>25 Integrity Partnership as a way of assisting</p> |

21 (Pages 81 to 84)

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|---|---|
| <p>1 state and local election authorities of filling</p> <p>2 that gap; right?</p> <p>3 A. I don't -- I don't know what the</p> <p>4 exact process was, essentially they identified</p> <p>5 the gap. They went back and talked to the folks</p> <p>6 at the Stanford Internet Observatory. And</p> <p>7 somewhere in that sausage making process, along</p> <p>8 the way, they decided that this partnership</p> <p>9 would be the best approach to take.</p> <p>10 Q. In that timeframe, did they also</p> <p>11 have discussions with you about putting together</p> <p>12 something like this?</p> <p>13 A. I'm sure they mentioned it to us</p> <p>14 somewhere along the line, that this was</p> <p>15 something they were thinking about, but I</p> <p>16 don't -- I don't know that it went beyond that.</p> <p>17 Q. How about Mr. Masterson, did they</p> <p>18 discuss it with him?</p> <p>19 A. Again, I'm not familiar with all of</p> <p>20 Matt's communications with these folks, but he</p> <p>21 was in the meeting where we talked about the gap</p> <p>22 with Stamos, in particular. And I believe</p> <p>23 Stamos mentioned that as an option during that</p> <p>24 call. I don't know if he had any other</p> <p>25 conversations with them. I don't know about</p> | <p>1 that there's a gap for election officials where</p> <p>2 most of them don't have the resources to do --</p> <p>3 to identify disinformation that may be targeting</p> <p>4 their jurisdictions, is that -- did the interns</p> <p>5 give me that information correctly. He was</p> <p>6 thinking about potentially doing something, and</p> <p>7 he obviously didn't want to spend time and</p> <p>8 resources doing something if there wasn't, in</p> <p>9 fact, a gap.</p> <p>10 Q. How long did this meeting occur or</p> <p>11 last, do you think?</p> <p>12 A. That's all of maybe 10 or 15</p> <p>13 minutes.</p> <p>14 Q. Was there any other communications</p> <p>15 with Mr. Stamos during this timeframe?</p> <p>16 MR. GARDNER: Objection, vague,</p> <p>17 also calls for speculation.</p> <p>18 BY MR. SAUER:</p> <p>19 Q. Do you remember any?</p> <p>20 A. So I don't recall any conversations</p> <p>21 I had with him in that timeframe. I obviously</p> <p>22 can't speak for Masterson.</p> <p>23 Q. Okay. Scroll ahead to page XII.</p> <p>24 There's a thank you there for contributors, and</p> <p>25 you see Kate Starbird is on that list; do you</p> |
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| <p>1 that.</p> <p>2 Q. When did that meeting with Alex</p> <p>3 Stamos occur?</p> <p>4 A. Sometime in the summer of 2020, it</p> <p>5 would have -- yeah, I don't know. The exact</p> <p>6 date would be hard for me to figure out, sorry.</p> <p>7 Yeah, the interns -- sorry -- the interns</p> <p>8 probably arrived in the May timeframe, so we</p> <p>9 probably would have had had that conversation --</p> <p>10 the initial conversation sometime in June. And</p> <p>11 then probably Stamos, you know, a week or two</p> <p>12 after that, so probably June/July, I would say.</p> <p>13 Q. Was Mr. Masterson in the meeting</p> <p>14 where you discussed the gap with the interns?</p> <p>15 A. Not that I recall, no.</p> <p>16 Q. What did Mr. Stamos say in this</p> <p>17 meeting you recall from the June to July</p> <p>18 timeframe of 2020?</p> <p>19 A. Essentially, he just wanted to</p> <p>20 confirm that we agreed with the interns that</p> <p>21 this was a gap.</p> <p>22 Q. What -- what was said about the gap</p> <p>23 in that meeting, that you remember?</p> <p>24 A. Yeah, it was basically along the</p> <p>25 lines he just said, hey, the interns told me</p> | <p>1 see that? You can look at the screen share.</p> <p>2 A. Yes.</p> <p>3 Q. You're there? Yeah, do you know --</p> <p>4 A. Yeah, I got it.</p> <p>5 Q. Do you know how she contributed to</p> <p>6 the Election Integrity Partnership?</p> <p>7 A. I don't.</p> <p>8 Q. And I see Alex Stamos up here,</p> <p>9 obviously kind of set the thing off; right? Do</p> <p>10 you know how else he was involved?</p> <p>11 A. I don't.</p> <p>12 Q. Okay. Down here it says the</p> <p>13 Election Integrity Partnership would like to</p> <p>14 thank Matt Masterson for additional feedback; do</p> <p>15 you see that?</p> <p>16 A. I do.</p> <p>17 Q. Do you know what feedback</p> <p>18 Mr. Masterson provided to the Election Integrity</p> <p>19 Partnership?</p> <p>20 A. I don't.</p> <p>21 Q. When did Mr. Masterson leave CISA</p> <p>22 and go to Microsoft?</p> <p>23 A. So Matt left CISA, I believe, in</p> <p>24 January 2021. I don't think he started at</p> <p>25 Microsoft until early 2022.</p> |

22 (Pages 85 to 88)

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|---|---|
| <p>1 Q. Oh, do you know what he did in the</p> <p>2 intervening year?</p> <p>3 A. I believe he -- he worked -- he was</p> <p>4 a fellow at the Stanford Internet Observatory.</p> <p>5 Q. Oh, so he went from CISA to work</p> <p>6 with Alex Stamos's group at the Stanford</p> <p>7 Internet Observatory?</p> <p>8 A. That's my understanding, yes.</p> <p>9 Q. And Mr. Masterson is thanked here,</p> <p>10 in this spring of 2021, I take it he was at the</p> <p>11 Stanford Internet Observatory by then?</p> <p>12 A. I don't know when he officially</p> <p>13 started.</p> <p>14 Q. I'm going to jump ahead to page 2</p> <p>15 of the executive summary. So if you're</p> <p>16 following on the PDF it would be the 20th page</p> <p>17 of the PDF.</p> <p>18 There's a discussion here where it</p> <p>19 says: The initial idea for the partnership came</p> <p>20 from four students that the Stanford Internet</p> <p>21 Observatory funded to complete volunteer</p> <p>22 internships at CISA; right?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. You've declined to identify</p> <p>25 them, early in your testimony. Do you know who</p> | <p>1 where he was reading.</p> <p>2 THE WITNESS: Okay. Got you.</p> <p>3 BY MR. SAUER:</p> <p>4 Q. So it says: Yet, no government</p> <p>5 agency in the United States has the explicit</p> <p>6 mandate to monitor and correct misinformation</p> <p>7 and disinformation; correct?</p> <p>8 A. Sorry, I'm just trying to read and</p> <p>9 catch up.</p> <p>10 Q. I'm just asking if you see where it</p> <p>11 says that.</p> <p>12 A. Yeah, I see where it says that.</p> <p>13 Q. And it seems to me that they're</p> <p>14 talking about a slightly different gap than the</p> <p>15 one you talked about earlier; right? They're</p> <p>16 saying there's a gap in federal government</p> <p>17 authority to monitor and correct election mis</p> <p>18 and disinformation, right, as opposed to a gap</p> <p>19 among the capacity for state and local election</p> <p>20 authorities to do it; right?</p> <p>21 A. To be honest, I don't know what</p> <p>22 they're referencing, so I don't -- I don't want</p> <p>23 to speculate on what they're trying to say</p> <p>24 there.</p> <p>25 Q. Let me ask you this: Do you think</p> |
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| <p>1 they are? Who are those four students? Do you</p> <p>2 know who they are?</p> <p>3 A. I know for certain who two are, I</p> <p>4 believe I know who the third is, I'm unsure who</p> <p>5 the fourth is.</p> <p>6 Q. What -- what were they doing in</p> <p>7 their internships for CISA at the time they</p> <p>8 originated this idea?</p> <p>9 A. They had different activities, so</p> <p>10 they supported across the election security</p> <p>11 initiative, broadly. So trying to think if I can</p> <p>12 recall specific tasks that they had.</p> <p>13 Q. And then, if you look to the next</p> <p>14 two sentences, it talks about responsibilities</p> <p>15 for election information security is divided</p> <p>16 across government offices, and it goes on to say</p> <p>17 that, yet, no government agency in the United</p> <p>18 States has the explicit mandate to monitor and</p> <p>19 correct election mis and disinformation;</p> <p>20 correct?</p> <p>21 A. I'm sorry, is that the next page?</p> <p>22 Q. If you look at the screen share,</p> <p>23 can you read that? I can zoom in, if that</p> <p>24 helps.</p> <p>25 MR. GARDNER: A few sentences below</p> | <p>1 there's a gap in the authority of federal</p> <p>2 government agencies to monitor and correct</p> <p>3 election mis and disinformation?</p> <p>4 MR. GARDNER: Objection to the</p> <p>5 extent it calls for a legal conclusion.</p> <p>6 BY MR. SAUER:</p> <p>7 Q. Do you think that?</p> <p>8 A. Yeah, I'm not a -- I'm not a</p> <p>9 lawyer, I don't want to comment on the legal</p> <p>10 authorities of the departmental agencies.</p> <p>11 Q. I'm just asking whether you</p> <p>12 think -- I'm not asking for your legal</p> <p>13 conclusion, I'm asking whether you think there's</p> <p>14 a gap in the authority of federal agencies that</p> <p>15 makes them unable to monitor and correct mis and</p> <p>16 disinformation?</p> <p>17 MR. GARDNER: Same objection, calls</p> <p>18 for a legal conclusion.</p> <p>19 A. Yeah, by definition, an authority</p> <p>20 is a legal determination I'm not comfortable</p> <p>21 making.</p> <p>22 Q. Let me ask you this: As a</p> <p>23 practical matter, do you believe there's a gap</p> <p>24 in the ability, as opposed to the authority, the</p> <p>25 ability of federal government agencies to</p> |

23 (Pages 89 to 92)

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|---|--|
| <p>1 monitor and correct mis and disinformation?</p> <p>2 MR. GARDNER: Objection, vague.</p> <p>3 BY MR. SAUER:</p> <p>4 Q. You may answer.</p> <p>5 A. Yeah, can you clarify exactly what</p> <p>6 you're asking? I just want to make sure I</p> <p>7 understand what you're trying to get at.</p> <p>8 Q. I'm using your word, a gap; right?</p> <p>9 A. Yes.</p> <p>10 Q. You just called it a gap, earlier,</p> <p>11 and that's a practical word, it's not a legal</p> <p>12 conclusion?</p> <p>13 A. Correct.</p> <p>14 Q. So I'm asking you, you talked about</p> <p>15 a gap with respect to the capacities of state</p> <p>16 and local election authorities; correct?</p> <p>17 A. That's correct, yeah.</p> <p>18 Q. Do you think there's a similar gap</p> <p>19 with respect to the ability of federal</p> <p>20 government agencies to respond to mis and</p> <p>21 disinformation on social media?</p> <p>22 MR. GARDNER: Same objection,</p> <p>23 vague.</p> <p>24 A. I -- I think the federal government</p> <p>25 certainly would have the capability, if it chose</p> | <p>1 the EIP?</p> <p>2 A. Not that I recall, no.</p> <p>3 Q. Do you remember any discussions of</p> <p>4 that with anyone else, suggesting that, you</p> <p>5 know, there's no government agency in United</p> <p>6 States with an explicit mandate to monitor and</p> <p>7 correct election mis and disinformation?</p> <p>8 A. No, not that I -- not that I</p> <p>9 recall. It's possible, though.</p> <p>10 Q. It goes on to say: This is</p> <p>11 especially true for election disinformation that</p> <p>12 originates from within the United States, which</p> <p>13 would likely be excluded from law enforcement</p> <p>14 action under the first amendment, is not</p> <p>15 appropriate for study by intelligence agencies</p> <p>16 restricted from operating in the United States;</p> <p>17 connect?</p> <p>18 A. That's what the sentence says, yes.</p> <p>19 Q. Do you agree with that sentence?</p> <p>20 MR. GARDNER: Objection, calls for</p> <p>21 a legal conclusion.</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Do you?</p> <p>24 MR. GARDNER: Same objection.</p> <p>25 A. I'm sorry, I'm reading the</p> |
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| <p>1 to use it, and had the authority to do it.</p> <p>2 Q. Do you think it hasn't chosen to</p> <p>3 use that capability?</p> <p>4 A. So generally speaking, I'm trying</p> <p>5 to understand your question. So is there a gap</p> <p>6 in the federal government's ability to, what, to</p> <p>7 provide information on social media about what's</p> <p>8 online on their platforms, is that what you're</p> <p>9 asking?</p> <p>10 Q. I'm asking if there was a gap in</p> <p>11 the federal government's ability to, you know,</p> <p>12 take any kind of action to correct mis and</p> <p>13 disinformation on social media?</p> <p>14 MR. GARDNER: Same objection, to</p> <p>15 the extent it calls for a legal conclusion.</p> <p>16 A. Yeah, I don't know that there's a</p> <p>17 gap in the federal government's ability to do</p> <p>18 it.</p> <p>19 Q. Well, let me ask this: It goes on</p> <p>20 to say -- let me ask you this: This notion that</p> <p>21 the report says that no government agency in the</p> <p>22 United States has the explicit mandate to</p> <p>23 monitor and correct election mis and</p> <p>24 disinformation, is that something that was</p> <p>25 discussed with the CISA interns who originated</p> | <p>1 sentence.</p> <p>2 Yeah, this definitely gets into</p> <p>3 legal authority stuff that I would not want to</p> <p>4 comment on.</p> <p>5 Q. And the next sentence says: As a</p> <p>6 result, during the 2020 election local and state</p> <p>7 election officials, who had a strong partner on</p> <p>8 election system and overall cyber security</p> <p>9 efforts in CISA, were without a clearinghouse</p> <p>10 for assessing mis and disinformation targeting</p> <p>11 their voting operations; correct?</p> <p>12 A. Yeah, that's what this sentence</p> <p>13 says.</p> <p>14 Q. That, to me, sounds like it's</p> <p>15 talking about the same gap you talked about</p> <p>16 earlier, and that's state and local election</p> <p>17 officials were without a clearinghouse for</p> <p>18 assessing mis and disinformation targeting their</p> <p>19 voting operations; right?</p> <p>20 A. That's how I read that sentence,</p> <p>21 yeah.</p> <p>22 Q. Yeah, and I take it that this</p> <p>23 report links that gap to gaps that they perceive</p> <p>24 in federal authority; right?</p> <p>25 MR. GARDNER: Objection, calls for</p> |

24 (Pages 93 to 96)

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|--|--|
| <p>1 speculation.</p> <p>2 A. Yeah, I don't want to speculate on</p> <p>3 what they're trying to do there.</p> <p>4 Q. Okay. Next sentence says:</p> <p>5 Students approach SIO leadership in the early</p> <p>6 summer, and in consultation with CISA and other</p> <p>7 stakeholders a coalition was assembled with</p> <p>8 like-minded partner institutions; do you see</p> <p>9 that?</p> <p>10 A. I do.</p> <p>11 Q. What -- let me ask you this: It</p> <p>12 says, in consultation with CISA, what</p> <p>13 consultation with CISA do you recall relating to</p> <p>14 the assembling of this coalition?</p> <p>15 A. I don't recall any consultation</p> <p>16 with relation to the assembly of the coalition.</p> <p>17 Q. Well, you don't recall anyone</p> <p>18 consulting with CISA about putting together the</p> <p>19 Election Integrity Partnership?</p> <p>20 MR. GARDNER: Objection,</p> <p>21 mischaracterizes the witness's previous</p> <p>22 testimony.</p> <p>23 A. Yeah, so I don't recall any</p> <p>24 consultation with us about who would be involved</p> <p>25 in the -- in the EIP, who their members would be</p> | <p>1 meeting with CISA to present EIP concept; do you</p> <p>2 see that?</p> <p>3 A. Yep, I see that.</p> <p>4 Q. Do you know what meeting that is</p> <p>5 referring to?</p> <p>6 A. I don't know specifically what</p> <p>7 meeting that's referring to, no.</p> <p>8 Q. Would that -- to your mind, would</p> <p>9 that describe the 10 to 15 minute phone call you</p> <p>10 had with Alex Stamos about the gap that you</p> <p>11 talked about earlier? Would you have described</p> <p>12 that phone call as a meeting with the EIP for</p> <p>13 EIP to present -- for -- to present the EIP</p> <p>14 concept to CISA?</p> <p>15 A. That 10 to 15 minute phone call</p> <p>16 only included Stamos, that I recall. So I don't</p> <p>17 know that I would frame it as a meeting to</p> <p>18 present the EIP concept.</p> <p>19 As I mentioned earlier, he did kind</p> <p>20 of raise the possibility of setting up some sort</p> <p>21 of a partnership, during that call, so that</p> <p>22 could be what his -- what his thinking was, but</p> <p>23 I don't know what he's referring to there.</p> <p>24 Q. What kind of a partnership did he</p> <p>25 talk about in that call?</p> |
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| <p>1 or anything like that.</p> <p>2 Q. Do you remember any consultation of</p> <p>3 any kind about starting up the EIP in any</p> <p>4 connection?</p> <p>5 A. Just what I referred to earlier,</p> <p>6 the conversations with the interns and the</p> <p>7 conversation with Stamos about verifying the gap</p> <p>8 existed.</p> <p>9 Q. How about Mr. Masterson, is it</p> <p>10 possible they consulted with him?</p> <p>11 MR. GARDNER: Objection, calls for</p> <p>12 speculation.</p> <p>13 A. Yeah, I don't know what</p> <p>14 conversations Matt had with them.</p> <p>15 Q. Do you know whether he had any</p> <p>16 conversations with them relating to the</p> <p>17 commencement of the EIP?</p> <p>18 A. I don't.</p> <p>19 Q. And the next page of the document,</p> <p>20 they provide an operational timeline; do you see</p> <p>21 that?</p> <p>22 A. I do.</p> <p>23 Q. And here, the second entry in their</p> <p>24 operational timeline, is -- I'm having trouble</p> <p>25 highlighting -- it says: July 9th of 2020,</p> | <p>1 A. He just said he thought he -- he</p> <p>2 was thinking about potentially just getting</p> <p>3 other -- other similar institutions involved.</p> <p>4 I don't recall it -- I don't even</p> <p>5 recall if he mentioned any names or not. I</p> <p>6 think it was more of a generic, where he didn't</p> <p>7 think Stanford could necessarily do it on its</p> <p>8 own, and would consider kind of forming some</p> <p>9 sort of partnership.</p> <p>10 Q. Did he talk about forming any kind</p> <p>11 of partnership with CISA?</p> <p>12 A. No.</p> <p>13 Q. So he didn't ask CISA to play any</p> <p>14 role in the concept he was putting together?</p> <p>15 A. No. Again, beyond -- sorry, just</p> <p>16 to -- beyond what I've talked about earlier, you</p> <p>17 know, I think he knew he would need us helping</p> <p>18 him connect with election officials.</p> <p>19 Q. So he -- to the extent he -- okay.</p> <p>20 So he was asking for your help in</p> <p>21 connecting with election officials in that</p> <p>22 meeting?</p> <p>23 A. I believe that was one of the asks,</p> <p>24 but I don't -- it could have been then, it could</p> <p>25 have been at another time, if that happened.</p> |

25 (Pages 97 to 100)

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|--|--|
| <p>1 Q. Is there a later conversation with</p> <p>2 Mr. Stamos?</p> <p>3 A. I don't recall, but that's what I</p> <p>4 think there was a fifth call. But again, I</p> <p>5 don't -- you know, this was several years ago,</p> <p>6 and my memory's a little foggy on timelines and</p> <p>7 everything that happened.</p> <p>8 Q. But to the best of your</p> <p>9 recollection, at some point he asked for CISA's</p> <p>10 assistance in connecting with state and local</p> <p>11 election officials; right?</p> <p>12 A. Yeah.</p> <p>13 Q. Is that when you put him in touch</p> <p>14 with the Center For Internet Security?</p> <p>15 A. I think they way initially put him</p> <p>16 in touch with the National Association, so the</p> <p>17 two I mentioned earlier, the National</p> <p>18 Association of Secretary's of State, and the</p> <p>19 National Association of State Election</p> <p>20 Directors. I'm not entirely -- I don't recall</p> <p>21 when, exactly, Center For Internet Security got</p> <p>22 involved.</p> <p>23 Q. At some point, did you put him --</p> <p>24 put him in touch with CIS?</p> <p>25 A. So we put the Stanford Internet</p> | <p>1 A. I only recall the CIS person's</p> <p>2 first name was Aaron. I'm blanking on his last</p> <p>3 name, at this point. I suspect there were other</p> <p>4 people from CIS on the call, as well, but he</p> <p>5 was -- Aaron was my principal contact at CIS.</p> <p>6 And that's Aaron, A-a-r-o-n.</p> <p>7 Q. And I take it the purpose of that</p> <p>8 meeting was to set up a direct line of</p> <p>9 communication between CIS and EIP?</p> <p>10 A. Correct.</p> <p>11 Q. And then did you mention that you</p> <p>12 facilitated other meetings, for example, between</p> <p>13 EIP and NASED or National Association of</p> <p>14 Secretaries of State?</p> <p>15 A. Yeah, my recollection is that we</p> <p>16 did facilitate. We put them in contact. I</p> <p>17 don't -- I don't know if we were on the calls or</p> <p>18 not, I don't recall, but -- but I seem to recall</p> <p>19 we did put them in contact.</p> <p>20 Q. Okay. And specifically you mean</p> <p>21 you put EIP --</p> <p>22 A. EIP in.</p> <p>23 Q. -- in contact with NASED and NASOS;</p> <p>24 is that what it's called?</p> <p>25 A. Just NASS, but yes.</p> |
| Page 102 | Page 104 |
| <p>1 Observatory in touch with them. I forget if it</p> <p>2 was Alex, himself, or if it was somebody from</p> <p>3 the team there.</p> <p>4 Q. So at some point you put them in</p> <p>5 touch with CIS. And were you involved in</p> <p>6 further communications with CIS and anyone at</p> <p>7 EIP?</p> <p>8 A. Yeah, so as I mentioned earlier, I</p> <p>9 facilitated some meetings between them, involved</p> <p>10 between them and election officials.</p> <p>11 Q. What sort of -- can you unpack that</p> <p>12 a little bit, you facilitated some meetings</p> <p>13 between -- was that both EIP and CIS?</p> <p>14 A. Right. So I facilitated meetings,</p> <p>15 some meetings between EIP and CIS to make sure</p> <p>16 that they were -- they didn't have relationship</p> <p>17 before the -- they didn't know each other.</p> <p>18 So we just facilitated getting them</p> <p>19 together to talk and figure out how they were</p> <p>20 going to work together.</p> <p>21 Q. Got you. And who was at those</p> <p>22 meetings from EIP?</p> <p>23 A. I don't recall.</p> <p>24 Q. How about CIS, who did you put them</p> <p>25 in touch with at CIS?</p> | <p>1 Q. Okay. And so, yeah, sorry, for</p> <p>2 clarity, you put EIP in contact with both NASED</p> <p>3 and NASS; correct?</p> <p>4 A. And just to be clear, we put SIO</p> <p>5 folks in contact with them.</p> <p>6 Q. Okay.</p> <p>7 A. But they were part of EIP, so</p> <p>8 that's kind of the -- I don't know when EIP was</p> <p>9 stood up in relation to the conversations,</p> <p>10 because I don't really know when the</p> <p>11 conversations occurred, either. So just so</p> <p>12 you're clear, we worked through the SIO when we</p> <p>13 made those connections.</p> <p>14 Q. Got you. Do you remember who at</p> <p>15 the SIO was involved in those connections?</p> <p>16 A. I don't.</p> <p>17 Q. And again, SIO is short for</p> <p>18 Stanford Internet Observatory; correct?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know, what was the timeframe</p> <p>21 of those, you know, connections that you</p> <p>22 facilitated with, you know, Stanford Internet</p> <p>23 Observatory folks and CIS, NASED and NASS?</p> <p>24 A. I don't know for certain, but I</p> <p>25 would guess they were late July or August.</p> |

26 (Pages 101 to 104)

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|---|---|
| <p>1 Q. So this would have been around the</p> <p>2 time that the EIP is kind of ramping up its</p> <p>3 activities?</p> <p>4 A. Yeah, I don't -- I mean, I don't</p> <p>5 know when they were ramping up their activities,</p> <p>6 but I would assume it was around that time.</p> <p>7 Q. Let me scroll down, so you can see</p> <p>8 this on the screen share, it's page 8. Is that</p> <p>9 size on the screen share visible to you?</p> <p>10 A. Somewhat.</p> <p>11 Q. Do you see here on page 8 there's a</p> <p>12 kind of graphic where the EIP report lists four</p> <p>13 major stakeholders, government, civil society,</p> <p>14 platforms and media; right?</p> <p>15 A. Yep, I see that.</p> <p>16 Q. You got an arrow from government, a</p> <p>17 black arrow that flows from government to intake</p> <p>18 queue; correct?</p> <p>19 A. Yep.</p> <p>20 Q. Do you know what that's referring</p> <p>21 to, did the government -- do you know what</p> <p>22 governments as stakeholders submitting</p> <p>23 information for the intake queue for the EIP?</p> <p>24 A. I don't know if, specifically, what</p> <p>25 that's in reference to, no. I mean, I would</p> | <p>1 back. So you're asking if we were familiar with</p> <p>2 when EIP would send reports to the platforms,</p> <p>3 were we aware of that?</p> <p>4 Q. Correct.</p> <p>5 A. Generally speaking, we were not --</p> <p>6 as far as I know we were not aware. I wouldn't</p> <p>7 say generally.</p> <p>8 As far as I'm aware, we were not in</p> <p>9 the loop when they were communicating with</p> <p>10 platforms.</p> <p>11 Q. And I apologize, I split the screen</p> <p>12 on screen share. Actually, stay with that</p> <p>13 graphic for a minute. Up here in the corner, it</p> <p>14 says, tier one: Detection intake. On-call data</p> <p>15 gathering, triage, and response; do you see</p> <p>16 that?</p> <p>17 A. I do.</p> <p>18 Q. Do you know how the Election</p> <p>19 Integrity Partnership gathered data about what</p> <p>20 was being said on social media in 2020?</p> <p>21 A. I don't know the specifics of how</p> <p>22 they did that, no.</p> <p>23 Q. Did you have any understanding at</p> <p>24 all, other than obviously receiving reports from</p> <p>25 CIS, NASED and NASS?</p> |
| Page 106 | Page 108 |
| <p>1 think it was election officials, but I don't --</p> <p>2 I don't know.</p> <p>3 Q. How about CISA, would CISA ever</p> <p>4 receive a report from election officials and</p> <p>5 pass it along to EIP?</p> <p>6 A. I don't recall us doing that. It</p> <p>7 wasn't part of our process, and -- and we would</p> <p>8 just send it to the platforms, ourselves, so I</p> <p>9 don't know that we would send it to EIP.</p> <p>10 Q. How about CIS, do you know if they</p> <p>11 did that on behalf of state and local officials?</p> <p>12 A. Did CIS forward messages that</p> <p>13 election officials sent to them to EIP?</p> <p>14 Q. Yeah, about disinformation.</p> <p>15 A. I would think so, but I don't know</p> <p>16 for certain.</p> <p>17 Q. And you see there's a red arrow</p> <p>18 down here at the bottom, from tier 3:</p> <p>19 Mitigation, and then that flows back to</p> <p>20 government.</p> <p>21 Were you aware of EIP reporting</p> <p>22 back to CISA about what happened with</p> <p>23 disinformation or misinformation reports?</p> <p>24 A. I don't recall that there was</p> <p>25 communication when -- so just let me take a step</p> | <p>1 A. My understanding was that they</p> <p>2 monitored social media in some way.</p> <p>3 Q. Yeah, do you have any idea how they</p> <p>4 did it? I mean, there's different ways of doing</p> <p>5 that, do you know how they did it?</p> <p>6 A. I don't know what tools or</p> <p>7 capabilities they used, no.</p> <p>8 Q. Down here below the graphic, it</p> <p>9 talks about tickets being submitted to the EIP,</p> <p>10 it says tickets were submitted both by trusted</p> <p>11 expert stakeholders detailed in section 1.4 on</p> <p>12 page 11, an internal EIP analysts; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know who the trusted</p> <p>15 external stakeholders were?</p> <p>16 A. I don't.</p> <p>17 Q. Do you know whether CISA, at least</p> <p>18 EIP considered CISA a trusted external</p> <p>19 stakeholder?</p> <p>20 MR. GARDNER: Objection, calls for</p> <p>21 separation.</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Do you know.</p> <p>24 A. I suspect if we scroll down to page</p> <p>25 11 we'll find out who the stakeholders were.</p> |

27 (Pages 105 to 108)

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|---|--|
| <p>1 Q. Good idea. So here at the bottom</p> <p>2 of page 11, section 1.4, discussing external</p> <p>3 stakeholders; do you see where we are?</p> <p>4 A. Getting there. And 11, external</p> <p>5 stakeholders. Yep.</p> <p>6 Q. It says: The EIP serve as a</p> <p>7 connector for many stakeholders, who both</p> <p>8 provided inputs and received outputs; correct?</p> <p>9 A. Yep.</p> <p>10 Q. Okay. And then flipping to the</p> <p>11 next page, 12, first sentence: External</p> <p>12 stakeholders include government, civil society,</p> <p>13 social media companies, and news media entities;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. It says: Government and civil</p> <p>17 society partners could create tickets or send</p> <p>18 notes to EIP analysts; right?</p> <p>19 A. That's what it says, yes.</p> <p>20 Q. It goes on to say: They use these</p> <p>21 procedures to flag incidents to be emerging</p> <p>22 narratives to be assessed by EIP analysts;</p> <p>23 correct?</p> <p>24 A. That's what it says, correct.</p> <p>25 Q. And do you know what government's</p> | <p>1 A. Mm-mmm.</p> <p>2 Q. And the next one is listed as the</p> <p>3 GEC; right?</p> <p>4 A. Correct.</p> <p>5 Q. So do you know why CISA is listed</p> <p>6 there, why the EIP listed CISA as a major</p> <p>7 stakeholder group in the EIP?</p> <p>8 MR. GARDNER: Objection, calls for</p> <p>9 speculation.</p> <p>10 A. Yeah, I don't know why.</p> <p>11 Q. Down at the bottom, it says: Four</p> <p>12 major stakeholder groups that collaborated with</p> <p>13 the EIP. Do you believe that CISA collaborated</p> <p>14 with the EIP?</p> <p>15 A. Did we have conversations with</p> <p>16 representatives of the EIP? Yes. If that's</p> <p>17 considered collaboration then I guess we</p> <p>18 collaborated with the EIP.</p> <p>19 Q. Tell me about those conversations.</p> <p>20 I know you mentioned a couple of them or a few</p> <p>21 of them, already. I take it those included a</p> <p>22 call with Alex Stamos to talk about the gap;</p> <p>23 right?</p> <p>24 A. Yep.</p> <p>25 Q. And it included facilitating</p> |
| Page 110 | Page 112 |
| <p>1 partners were creating tickets to flag incidents</p> <p>2 or merging narratives to the EIP?</p> <p>3 A. I don't.</p> <p>4 Q. Immediately below that paragraph,</p> <p>5 they mention some government officials; right?</p> <p>6 A. Yep.</p> <p>7 Q. Right there, it says: Four major</p> <p>8 stakeholder groups in that graphic in the middle</p> <p>9 of page 12; right?</p> <p>10 A. Yep.</p> <p>11 Q. And there's three that are listed</p> <p>12 there; right?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. There's Election Infrastructure</p> <p>15 ISAC; right?</p> <p>16 A. Correct.</p> <p>17 Q. And that's the EI-ISAC that CISA</p> <p>18 funds the Center For Internet Security to</p> <p>19 operate; is that right?</p> <p>20 A. Again, I don't know if the money</p> <p>21 goes directly to the EI-ISAC. I don't know how</p> <p>22 the money flows, but EI-ISAC is part of CIS and</p> <p>23 we do fund the EI-ISAC.</p> <p>24 Q. Yeah, and then the next one listed</p> <p>25 is CISA?</p> | <p>1 meetings between the EIP and NASED and NASS;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And it included in some -- I take</p> <p>5 it, it included in some connection putting EIP</p> <p>6 in touch with Center For Internet Security;</p> <p>7 correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And I take it were you kind of</p> <p>10 putting them in touch with the EI-ISAC people</p> <p>11 for the Centers For Internet Security?</p> <p>12 A. I don't recall that we put them in</p> <p>13 touch with the EI-ISAC people. We put them in</p> <p>14 contact with CIS-specific people.</p> <p>15 Q. And, in particular, I think you</p> <p>16 mentioned someone called Aaron; is that right?</p> <p>17 A. Yes, Aaron, Aaron, as far as I'm</p> <p>18 aware, did not work for the EI-ISAC. He worked</p> <p>19 just for CIS.</p> <p>20 Q. What other conversations with</p> <p>21 representatives of EIP do you recall, other than</p> <p>22 those four we just listed?</p> <p>23 A. As I mentioned earlier, I believe</p> <p>24 we had some conversations when they put out</p> <p>25 public reports. If we had any questions about</p> |

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|--|--|
| <p>1 those public reports I believe we have had a</p> <p>2 couple conversations about that.</p> <p>3 Q. Sorry, go ahead and finish.</p> <p>4 A. No, I think that's -- I think</p> <p>5 that's it, that I recall.</p> <p>6 Q. Who was involved in those</p> <p>7 conversations about the public reports?</p> <p>8 A. Again, it would likely be</p> <p>9 Masterson, and then there probably would have</p> <p>10 been some staff. So I don't know specifically,</p> <p>11 but there would have been other election</p> <p>12 security staff, and probably other MDM-specific</p> <p>13 team staff. But I don't recall who,</p> <p>14 specifically, it would have been. It could have</p> <p>15 shifted, you know, based on who was available,</p> <p>16 and things like that, so -- so I don't recall.</p> <p>17 Q. About how many conversations of</p> <p>18 that nature, relating to public reports, do you</p> <p>19 recall?</p> <p>20 A. To be honest, I don't recall any,</p> <p>21 specifically. I just know that we had a few.</p> <p>22 And so I -- I don't want to make up a number for</p> <p>23 you, but it was -- it was probably somewhere</p> <p>24 between two and four.</p> <p>25 Q. And were you on the two and four</p> | <p>1 about earlier, the coordinated inauthentic</p> <p>2 behavior. So were they using things like bots</p> <p>3 or stuff like that, kind of what was their --</p> <p>4 the technique that they were using to</p> <p>5 distribute.</p> <p>6 Q. Were people at CISA following their</p> <p>7 blog posts to sort of, you know, get information</p> <p>8 from them?</p> <p>9 MR. GARDNER: Objection, calls for</p> <p>10 speculation.</p> <p>11 A. Yeah, can you specify what you mean</p> <p>12 by people?</p> <p>13 Q. Was anyone at CISA following the</p> <p>14 EIP's public reports?</p> <p>15 MR. GARDNER: Same objection.</p> <p>16 A. I can only speak for myself. I was</p> <p>17 following the public reports.</p> <p>18 Q. Okay. How about anyone -- how</p> <p>19 about anyone on your team?</p> <p>20 MR. GARDNER: Same objection.</p> <p>21 A. Yeah, I mean, I -- they likely</p> <p>22 were, but, you know, I couldn't say for certain.</p> <p>23 Q. And so --</p> <p>24 A. The only job requirement -- there's</p> <p>25 nobody responsible on my team, as part of their</p> |
| Page 114 | Page 116 |
| <p>1 conversations or did other people have them?</p> <p>2 A. I mean, those are the ones that I</p> <p>3 recall, so those are the ones I would have been</p> <p>4 on, I don't know if there are others that other</p> <p>5 people from CISA would have been on, that I was</p> <p>6 not.</p> <p>7 Q. Okay. What was discussed in the --</p> <p>8 about their public reporting in the</p> <p>9 conversations you were involved in?</p> <p>10 A. We would just ask questions about</p> <p>11 tactics and things like that, what they were</p> <p>12 seeing.</p> <p>13 Q. What kind of contacts would they</p> <p>14 have?</p> <p>15 A. They were just fairly brief</p> <p>16 conversations -- sorry -- they were just fairly</p> <p>17 brief conversations, based on blog posts. So if</p> <p>18 we had a question about jurisdiction being</p> <p>19 targeted or a new tactic or things like that, we</p> <p>20 would just ask them kind of questions about that</p> <p>21 sort of thing.</p> <p>22 Q. And what -- when you said tactics,</p> <p>23 those are kind of online tactics for spreading</p> <p>24 social media misinformation and disinformation?</p> <p>25 A. Correct. Like we were talking</p> | <p>1 job, to regularly file to the EIP reporting.</p> <p>2 Q. I take it you did it, and saw some</p> <p>3 stuff you thought was interesting; is that</p> <p>4 right?</p> <p>5 A. Yeah.</p> <p>6 Q. And then are you the one who</p> <p>7 decided to reach out to them and ask questions</p> <p>8 about follow-up questions about stuff that they</p> <p>9 posted?</p> <p>10 A. Yeah.</p> <p>11 Q. And then do you remember anything</p> <p>12 specific about the tactics they flagged in their</p> <p>13 blog posts?</p> <p>14 A. I don't.</p> <p>15 Q. Who did you talk to at the EIP when</p> <p>16 you reached out?</p> <p>17 MR. GARDNER: Objection to the form</p> <p>18 of the question.</p> <p>19 A. I don't recall.</p> <p>20 Q. Was it Mr. Stamos?</p> <p>21 A. It could have been Alex, it could</p> <p>22 have been Renée. I forget, kind of, how they --</p> <p>23 I forget how we connected with them.</p> <p>24 Q. Did you already know Alex Stamos</p> <p>25 and Renée DiResta when these conversations</p> |

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|---|---|
| <p>1 started happening in the summer of '20?</p> <p>2 A. I knew Alex Stamos from previous --</p> <p>3 from when he was at Facebook. And then, as I</p> <p>4 mentioned, Masterson and I went out to an event</p> <p>5 that Stamos hosted when he got to the Stanford</p> <p>6 Internet Observatory. So I knew him. Renée, I</p> <p>7 think I may have had a conversation or two with,</p> <p>8 prior, but I didn't know her as well as Alex.</p> <p>9 Q. You say you knew him when he was at</p> <p>10 Facebook. What was your interactions with him</p> <p>11 then?</p> <p>12 A. He headed the team at Facebook that</p> <p>13 we did the coordination for some of the initial</p> <p>14 government industry meetings. So if you recall</p> <p>15 back then, essentially the first meeting was</p> <p>16 back in 2018, Alex was the Facebook lead for</p> <p>17 that meeting.</p> <p>18 Q. So he was the contact person at</p> <p>19 Facebook that would be in those meetings that</p> <p>20 involved CISA and ODNI and DOJ and the FBI?</p> <p>21 A. Correct.</p> <p>22 Q. I just want to flip one page in the</p> <p>23 report. Up here on the screen share, do you see</p> <p>24 up here they have a comment that says:</p> <p>25 Additionally, the Countering Foreign Influence</p> | <p>1 platforms and that there was coordination with</p> <p>2 CIS and EIP on how they should be reported;</p> <p>3 correct?</p> <p>4 A. No, that's not correct.</p> <p>5 Q. Okay.</p> <p>6 A. So I believe what my testimony said</p> <p>7 earlier is that you would receive -- generally</p> <p>8 receive reporting through one of three ways, one</p> <p>9 of those was through the Center For Internet</p> <p>10 Security, two-fifths of that we would then</p> <p>11 forwarded to the platforms.</p> <p>12 I don't recall any reporting</p> <p>13 directly coming from EIP. So generally</p> <p>14 speaking, that's, you know, adding EIP into your</p> <p>15 question I think is incorrect.</p> <p>16 Q. What were the other two ways, you</p> <p>17 said there were three ways, one is you get</p> <p>18 them --</p> <p>19 A. Yep.</p> <p>20 Q. -- through Center for Internet</p> <p>21 Security, what are the other two?</p> <p>22 A. So the other two ways, sometimes</p> <p>23 election officials would send them in to CISA</p> <p>24 central, which is CISA's kind of ops center</p> <p>25 block room type setup. And then the third way</p> |
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| <p>1 Task Force, a subcomponent of CISA, aided in the</p> <p>2 reporting process and in implementing resilience</p> <p>3 efforts to counter misinformation; do you see</p> <p>4 that sentence?</p> <p>5 A. I do.</p> <p>6 Q. I take it the counter -- countering</p> <p>7 and foreign influence task force is now called</p> <p>8 the MDM team that you lead; right?</p> <p>9 A. Yeah, that's correct.</p> <p>10 Q. Were you the leader of that team</p> <p>11 then called the CFITF in 2020?</p> <p>12 A. I was.</p> <p>13 Q. Do you know what the report means</p> <p>14 when it says that the CFITF, which was your</p> <p>15 team, aided in the reporting process?</p> <p>16 MR. GARDNER: Objection, calls for</p> <p>17 speculation.</p> <p>18 A. Yeah, I -- I don't know,</p> <p>19 specifically, what they're referencing. My</p> <p>20 assumption would be they're referencing a</p> <p>21 switchboarding we discussed earlier.</p> <p>22 Q. Tell me about that switchboarding.</p> <p>23 I take it your testimony earlier was that you --</p> <p>24 you were switchboarding or routing</p> <p>25 disinformation concerns to social media</p> | <p>1 was they would just send direct to a CISA</p> <p>2 employee, often -- often Matt Masterson, who had</p> <p>3 relationships with many of the election</p> <p>4 officials. So those were the principal ways we</p> <p>5 received reporting from election officials.</p> <p>6 Q. So through the CIS, kind of</p> <p>7 directly to -- was there a kind of e-mail</p> <p>8 address for reporting misinformation that CISA</p> <p>9 maintained?</p> <p>10 A. Not specific to misinformation. It</p> <p>11 was -- CISA central had their own e-mail</p> <p>12 address, and obviously Matt had his. We had an</p> <p>13 internal CFITF e-mail address, but I don't</p> <p>14 believe we -- we put that out for election</p> <p>15 officials to send messages to, I don't recall us</p> <p>16 doing that.</p> <p>17 Q. And then sometimes they would go to</p> <p>18 straight to Mr. Masterson?</p> <p>19 A. Right.</p> <p>20 Q. And then I take it you -- did you</p> <p>21 coordinate with CIS on what you were reporting</p> <p>22 to social media platforms?</p> <p>23 A. Only in the sense that we would let</p> <p>24 them know when we reported something to a</p> <p>25 platform, again, to avoid duplication or, you</p> |

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|---|--|
| <p>1 know, most of the reporting that I recall in</p> <p>2 2020 came through CIS. And so we just wanted to</p> <p>3 let them know that we were acting on what they</p> <p>4 sent us.</p> <p>5 For reporting that didn't come</p> <p>6 through CIS, we would often let them know after</p> <p>7 we had shared it with the platforms that we had</p> <p>8 shared something with the platforms for their</p> <p>9 arrangement.</p> <p>10 Q. And then I take it you said</p> <p>11 earlier, your understanding is that CIS was</p> <p>12 coordinating with EIP?</p> <p>13 A. Again, they had a relationship. I</p> <p>14 don't know how I would characterize what they</p> <p>15 were -- what they were doing with the EIP.</p> <p>16 Q. Do you know what interactions they</p> <p>17 had, at all, other than the ones we talked about</p> <p>18 between CIS and EIP?</p> <p>19 A. I mean, I can't specifically say</p> <p>20 what they were doing. They had a relationship.</p> <p>21 They shared information. I don't know kind of</p> <p>22 the extent of that or kind of what their</p> <p>23 policies and procedures were for what they were</p> <p>24 doing. So I know they were sharing stuff. I</p> <p>25 don't know what, how or when, towards the</p> | <p>1 We didn't do analysis of what we received from</p> <p>2 election officials. So we would not know what</p> <p>3 percentage were foreign derived.</p> <p>4 Q. So you would receive reports and</p> <p>5 you would forward them onto social media</p> <p>6 platforms, you know, for consideration under</p> <p>7 their content moderation policies, without</p> <p>8 assessing whether they were originated from</p> <p>9 foreign or domestics sources?</p> <p>10 A. That's correct.</p> <p>11 Q. In other words, a report would come</p> <p>12 in, and you, like, didn't take steps to see</p> <p>13 whether this came from a foreign or domestic</p> <p>14 source?</p> <p>15 A. Correct.</p> <p>16 Q. You would just pass it along to the</p> <p>17 social media platforms?</p> <p>18 A. Right.</p> <p>19 Q. Are you familiar with the gateway</p> <p>20 pundit?</p> <p>21 A. Am I familiar with it? Yeah.</p> <p>22 Q. How do you know about it, what is</p> <p>23 the gateway pundit, on your understanding?</p> <p>24 A. It's some sort of a website.</p> <p>25 Q. How do you know about it?</p> |
| Page 122 | Page 124 |
| <p>1 questions.</p> <p>2 Q. I'm going to jump ahead to page 35</p> <p>3 of this report.</p> <p>4 A. 35? All right.</p> <p>5 Q. That's going to be on page 53 of</p> <p>6 the PDF?</p> <p>7 A. Almost there, sorry. All right.</p> <p>8 I'm on 35.</p> <p>9 Q. If you look here on the last</p> <p>10 sentence before that heading on the page, it</p> <p>11 says, according to the EIP, interestingly, just</p> <p>12 one percent of tickets related to COVID-19, and</p> <p>13 less than one percent related to foreign</p> <p>14 interference; do you see that?</p> <p>15 A. I do.</p> <p>16 Q. Is that consistent with your</p> <p>17 understanding of the reports that you were</p> <p>18 making to social media platforms in that</p> <p>19 timeframe that only a small minority related to</p> <p>20 before and afters?</p> <p>21 MR. GARDNER: Objection, lack of</p> <p>22 foundation, calls for speculation.</p> <p>23 BY MR. SAUER:</p> <p>24 Q. If you know.</p> <p>25 A. So CISA does not do attribution.</p> | <p>1 A. I believe they've written some</p> <p>2 articles about CISA.</p> <p>3 Q. How did that get on your radar</p> <p>4 screen?</p> <p>5 A. Articles probably in our clips.</p> <p>6 Q. Do you remember hearing --</p> <p>7 A. I don't -- I don't --</p> <p>8 Q. Go ahead.</p> <p>9 A. I don't recall specifically how</p> <p>10 they got on my radar.</p> <p>11 Q. Do you remember hearing of them in</p> <p>12 any other connection, other than writing</p> <p>13 articles about CISA?</p> <p>14 A. I do think of the general kind of</p> <p>15 recall. Yeah, I think probably just as a</p> <p>16 general fact that it had news on it I think is</p> <p>17 probably the extent of what I know.</p> <p>18 I'm sure I've just seen them, you</p> <p>19 know, in reading other stories and things like</p> <p>20 that, I don't -- I don't -- honestly, I don't</p> <p>21 know how I came to know them.</p> <p>22 Q. Are you aware of anyone at CISA</p> <p>23 raising concerns that the gateway pundit might</p> <p>24 be spreading misinformation or disinformation?</p> <p>25 A. No.</p> |

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| Page 125 | Page 127 |
|---|---|
| <p>1 Q. I'm going to jump far down in this</p> <p>2 document to page 196.</p> <p>3 A. Let me see if there's a quick way</p> <p>4 for me to get down there.</p> <p>5 Q. Yeah, it's page 213 of the PDF.</p> <p>6 MR. GARDNER: I think you can go</p> <p>7 here. That's a lot.</p> <p>8 THE WITNESS: Sorry.</p> <p>9 MR. GARDNER: Yeah, you have to</p> <p>10 scroll. All right, John, we're getting there.</p> <p>11 THE WITNESS: It's two what in the</p> <p>12 PDF? I'm sorry.</p> <p>13 BY MR. SAUER:</p> <p>14 Q. It's page 214 of the PDF.</p> <p>15 A. Okay. 196. Almost there. Sorry.</p> <p>16 Okay. Yep.</p> <p>17 Q. Okay. Do you see here, there's a</p> <p>18 whole section that begins: The gateway pundit</p> <p>19 interval?</p> <p>20 A. I see that.</p> <p>21 Q. In the first sentence of that says:</p> <p>22 The gateway pundit was among the most active</p> <p>23 spreaders of election-related misinformation in</p> <p>24 our analyses; correct?</p> <p>25 A. That's what it says.</p> | <p>1 campaigns kicked off and through the weeks after</p> <p>2 election day; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And let me ask you this: Are you</p> <p>5 aware of social media platforms like Twitter and</p> <p>6 Facebook and YouTube and so forth changing their</p> <p>7 election integrity policies to limit</p> <p>8 election-related misinformation and</p> <p>9 disinformation during 2020?</p> <p>10 A. I'm aware that they changed</p> <p>11 policies. I don't know -- again, I don't know</p> <p>12 that they needed mis and disinformation as their</p> <p>13 terminology, so I don't want to go there. But I</p> <p>14 do recall that they changed policies in 2020</p> <p>15 related to election security.</p> <p>16 Q. How did you know that, at the time,</p> <p>17 did they report it to you?</p> <p>18 A. They -- they did talk about some of</p> <p>19 it in our regular sync meetings. And then I</p> <p>20 believe there's some media coverage and public</p> <p>21 statements that they made about their changes.</p> <p>22 Q. In the sync meetings, were there</p> <p>23 any questions on the government side? Did the</p> <p>24 government ask: What are you doing to change</p> <p>25 your policies?</p> |
| Page 126 | Page 128 |
| <p>1 Q. Does that ring a bell, at all? Do</p> <p>2 you recall anyone at CISA ever raising the</p> <p>3 concern that the gateway pundit was a spreader</p> <p>4 of so-called election-related misinformation?</p> <p>5 MR. GARDNER: Objection. Asked and</p> <p>6 answered.</p> <p>7 BY MR. SAUER:</p> <p>8 Q. Do you recall that?</p> <p>9 A. Yep. As I said earlier, I don't</p> <p>10 recall any examples of that, no.</p> <p>11 Q. Jump ahead to page 211. This is</p> <p>12 page 229 of the PDF.</p> <p>13 A. Almost there. Okay. 211, policy.</p> <p>14 Q. Yeah, chapter six.</p> <p>15 A. Gotcha.</p> <p>16 Q. There at the introduction, at the</p> <p>17 very beginning, it says: Platform policies</p> <p>18 establish the rules of participation in social</p> <p>19 media communities; correct?</p> <p>20 A. Yes.</p> <p>21 Q. It says: Recognizing the</p> <p>22 heightened rhetoric and the use of mis and</p> <p>23 disinformation during the 2020 election, all the</p> <p>24 major platforms made significant changes to</p> <p>25 election integrity policies, both as the</p> | <p>1 A. I don't recall that. I think,</p> <p>2 generally speaking, the platforms would just</p> <p>3 talk, you know, on a regular course of the</p> <p>4 conversation they would -- that would be one of</p> <p>5 their briefing points, that they were making</p> <p>6 significant changes. But it wasn't an essential</p> <p>7 part of the conversations, generally speaking.</p> <p>8 Q. Were you aware of anyone in the</p> <p>9 federal government kind of asking or encouraging</p> <p>10 them to change their content moderation policies</p> <p>11 to address election integrity?</p> <p>12 A. Not that I'm aware of, no.</p> <p>13 Q. Do you recall, was it placed on the</p> <p>14 agenda for the sync meetings?</p> <p>15 A. Was what placed on the agenda?</p> <p>16 Q. Changes in content moderation</p> <p>17 policies.</p> <p>18 A. Not that I recall.</p> <p>19 Q. Do you know how it came up in those</p> <p>20 meetings?</p> <p>21 A. Again, I think, you know, part of</p> <p>22 the meetings were generally different</p> <p>23 participants providing updates on what they were</p> <p>24 doing relating to election security. And my</p> <p>25 recollection is, is that platforms might raise</p> |

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|--|---|
| <p>1 those sorts of things during that portion of the</p> <p>2 agenda.</p> <p>3 Q. Did they ever separately e-mail you</p> <p>4 to notify you of a content policy update?</p> <p>5 A. Not that I recall, though it's</p> <p>6 certainly possible. You know, I would get press</p> <p>7 releases that they would put out sometimes, they</p> <p>8 would forward to me. But I don't recall</p> <p>9 specific e-mail on that.</p> <p>10 Q. Do you know whether anyone at the</p> <p>11 Center For Internet Security discussed content</p> <p>12 policy changes with the social media platforms?</p> <p>13 A. I don't.</p> <p>14 Q. Do you know whether anybody at CISA</p> <p>15 did so during the 2020 election cycle?</p> <p>16 A. Not that I'm aware of, no.</p> <p>17 Q. How about Mr. Masterson?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. What was Mr. Masterson's title or</p> <p>20 what was his role at CISA during this timeframe</p> <p>21 in 2020?</p> <p>22 A. He was the senior -- I don't know</p> <p>23 what his exact title was, but he was a senior</p> <p>24 election security person at CISA.</p> <p>25 Q. So did you report to him when you</p> | <p>1 Q. Okay. What sort of work did you do</p> <p>2 with him?</p> <p>3 A. Again, a majority of our work, as I</p> <p>4 mentioned earlier, was resilience building, so</p> <p>5 trying to develop products, public education,</p> <p>6 public awareness, product to help election</p> <p>7 officials, those sort of things. And then I</p> <p>8 would have discussed with him -- he would have</p> <p>9 been familiar with the switchboarding work that</p> <p>10 we were doing.</p> <p>11 Q. Did he participate in the</p> <p>12 switchboarding work?</p> <p>13 A. Not beyond when he would receive</p> <p>14 e-mails, he forwarded them to us.</p> <p>15 Q. Well, he would send them to you to</p> <p>16 be switchboarded, so to speak?</p> <p>17 A. Yeah, I mean, he would send them to</p> <p>18 me or the team e-mail address.</p> <p>19 Q. Oh, and you mentioned earlier that</p> <p>20 he had close relationships with social media</p> <p>21 platforms?</p> <p>22 A. No, I don't think I ever said that.</p> <p>23 He had close relationships with election</p> <p>24 officials.</p> <p>25 Q. Oh, okay. Did you also mention</p> |
| Page 130 | Page 132 |
| <p>1 were the head the countering foreign influence</p> <p>2 task force?</p> <p>3 A. No. Matt was what I call a</p> <p>4 political appointee, so for organizational</p> <p>5 reasons I reported up to Geoff and Geoff</p> <p>6 reported to a normal chain of command. So there</p> <p>7 was something weird about Matt being a political</p> <p>8 appointee and where he could sit in the org</p> <p>9 chart, so none of us technically reported up to</p> <p>10 him.</p> <p>11 Q. So he was -- but he was -- as a</p> <p>12 political appointee is higher than you in the</p> <p>13 org chart?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. And did you coordinate with</p> <p>16 him on the sort of -- sort of disinformation and</p> <p>17 misinformation related activities that CISA was</p> <p>18 engaged in, in 2020?</p> <p>19 MR. GARDNER: Objection, vague.</p> <p>20 A. Yeah, could you be a little more</p> <p>21 clear in what you're asking, please?</p> <p>22 Q. Well, did you work with Matt</p> <p>23 Masterson on election disinformation and</p> <p>24 misinformation related issues in 2020?</p> <p>25 A. Yes.</p> | <p>1 that he was in -- he had contacts with social</p> <p>2 media platforms?</p> <p>3 A. Again, he would have participated</p> <p>4 in the sync meetings that I talked about, the</p> <p>5 government industry syncs. If we had a briefing</p> <p>6 or something at other meetings he would likely</p> <p>7 participate. Those are the only communications</p> <p>8 I'm aware of, but he may have had others. I'm</p> <p>9 not sure.</p> <p>10 Q. Are you aware of anyone at the</p> <p>11 Election Integrity Partnership communicating</p> <p>12 with the social media platforms about changing</p> <p>13 their policies to, you know, kind of restrict</p> <p>14 election-related misinformation?</p> <p>15 A. I am not, no.</p> <p>16 Q. Is that something, that idea of</p> <p>17 advocating to the social media platforms to</p> <p>18 adopt more restrictive policies on</p> <p>19 election-related misinformation, is that</p> <p>20 something that's -- that you recall coming up in</p> <p>21 any meetings or discussions you had in 2020?</p> <p>22 A. So did we ever have -- so one, if</p> <p>23 you can clarify who the meetings were with, that</p> <p>24 you're asking about.</p> <p>25 Q. I'm asking --</p> |

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|---|---|
| <p>1 A. Or the general -- did anyone at</p> <p>2 CISA meet to discuss changes in platform policy?</p> <p>3 To the best of my recollection, the answer is</p> <p>4 no, we never meant to discuss asking the</p> <p>5 platforms to make any changes to their policies.</p> <p>6 Q. Do you recall -- I take it that was</p> <p>7 a response as to internal meetings, are you</p> <p>8 aware of any meetings with anyone external to</p> <p>9 CISA to discuss, you know, changes in platform</p> <p>10 policies?</p> <p>11 A. I'm not aware of any external</p> <p>12 meetings along those lines.</p> <p>13 Q. Do you recall any communications of</p> <p>14 any kind that related to that in 2020?</p> <p>15 A. Any communications that related to</p> <p>16 what? To -- to platforms changing their</p> <p>17 policies? Any communications -- with -- I mean,</p> <p>18 that's a very broad -- I mean, it's possible</p> <p>19 that somebody at CISA, along the way, had a</p> <p>20 conversation about that, but I don't recall any</p> <p>21 specific conversations where we sat down to talk</p> <p>22 specifically about that. I don't -- I don't</p> <p>23 recall any of that. It's a very broad answer,</p> <p>24 so I don't want to say definitively that nobody</p> <p>25 at CISA ever had any conversations in 2020 about</p> | <p>1 Q. Was that --</p> <p>2 A. And to be honest, I'm not sure if</p> <p>3 they sent them directly to me or if they went to</p> <p>4 somebody else in government who forwarded it to</p> <p>5 me.</p> <p>6 Q. Okay. Was there -- did you have an</p> <p>7 oral conversation with anyone associated with</p> <p>8 the Virality Project about what they do?</p> <p>9 A. Not specifically about what they</p> <p>10 do, but I did have some conversations where they</p> <p>11 were asking us for -- asking me, not us -- for</p> <p>12 any connections I had with HHS or CDC.</p> <p>13 Q. And did you provide them with</p> <p>14 connections?</p> <p>15 A. I did not.</p> <p>16 Q. What did you -- what did you say in</p> <p>17 that conversation?</p> <p>18 A. I don't recall that I had any --</p> <p>19 any relevant points of contacts to provide them.</p> <p>20 Q. Did you have any other</p> <p>21 conversations with them relating to the Virality</p> <p>22 Project?</p> <p>23 A. Not -- not substantial. I'm trying</p> <p>24 to think. I mean, I -- most of that work took</p> <p>25 place when I was over at the National Security</p> |
| Page 134 | Page 136 |
| <p>1 policy changes.</p> <p>2 Q. How about you, do you recall</p> <p>3 communicating with anyone outside of CISA about</p> <p>4 social media platform policy changes in 2020?</p> <p>5 A. I don't. I don't.</p> <p>6 Q. Have you ever heard of the Virality</p> <p>7 Project?</p> <p>8 A. I have.</p> <p>9 Q. What is the Virality Project?</p> <p>10 A. My understanding, it was Stanford's</p> <p>11 attempt to mimic the EIP for COVID.</p> <p>12 Q. How do you know about that?</p> <p>13 A. Good question. I believe they sent</p> <p>14 me some of their public reports.</p> <p>15 Q. The Virality Project did?</p> <p>16 A. Yes.</p> <p>17 Q. Who -- who would have sent those to</p> <p>18 you? Was it the same people involved in -- same</p> <p>19 people involved in the Election Integrity</p> <p>20 Partnership?</p> <p>21 A. I think Alex was involved, and I</p> <p>22 believe Renée was involved. I don't know if the</p> <p>23 rest were similar or not. I don't recall who</p> <p>24 was sending it, the exact individual who was</p> <p>25 forwarding me their reports.</p> | <p>1 Council, so I had substantially less</p> <p>2 communication.</p> <p>3 But I believe there were some</p> <p>4 informal kind of not work conversations that I</p> <p>5 may have had with Alex, in particular, and maybe</p> <p>6 Renée, as well.</p> <p>7 Q. You believe when you were detailed</p> <p>8 to the National Security Council you had</p> <p>9 conversations with Alex Stamos and Renée DiResta</p> <p>10 about the Virality Project?</p> <p>11 A. Just in the sense that it was</p> <p>12 something that they were doing, and that was</p> <p>13 when I think Alex asked if I had any contacts is</p> <p>14 when I was at the National Security Council.</p> <p>15 Q. Did you and Alex discuss anything</p> <p>16 else about it? And let me ask you this: Did he</p> <p>17 give you any kind of overview what they planned</p> <p>18 to do in the Virality Project?</p> <p>19 A. Not beyond that it was similar to</p> <p>20 what they did with the -- with the EIP, that was</p> <p>21 the extent. We didn't get into any details or</p> <p>22 anything like that.</p> <p>23 Q. And he asked you for contacts at --</p> <p>24 at kind of federal kind of health agencies?</p> <p>25 A. Yeah, that's my recollection of</p> |

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| Page 137 | Page 139 |
|--|---|
| <p>1 what he was asking for.</p> <p>2 Q. And did you have any other</p> <p>3 discussions with him that related to Virality</p> <p>4 Project?</p> <p>5 A. Not that I recall. I don't know</p> <p>6 that we ever got briefed on their work, so I</p> <p>7 don't think there was anything like that. So I</p> <p>8 think to the extent was, you know, that</p> <p>9 conversation about that, and then, like I said,</p> <p>10 I believe I received some of their reports, the</p> <p>11 public reports.</p> <p>12 Q. And you say either they or someone</p> <p>13 within government forwarded you with their</p> <p>14 public reports?</p> <p>15 A. Right, yeah, I don't recall exactly</p> <p>16 how I got them. I think it was from -- from the</p> <p>17 Virality Project, itself, but I'm not a hundred</p> <p>18 percent certain of that.</p> <p>19 Q. And let me ask you this: Was CISA</p> <p>20 active in -- in -- or take any activities to</p> <p>21 follow or address information -- misinformation</p> <p>22 relating to COVID-19?</p> <p>23 A. I believe we did at least one</p> <p>24 product for our critical infrastructure</p> <p>25 stakeholders related to COVID-19.</p> | <p>1 V-i-r-a-l-i-t-y.</p> <p>2 MR. GARDNER: Yeah, hold on, John.</p> <p>3 Hold on, John. Hold on. Got it.</p> <p>4 BY MR. SAUER:</p> <p>5 Q. You mentioned -- before we turn to</p> <p>6 the document, you mentioned that you had</p> <p>7 conversations with Alex Stamos and Renée DiResta</p> <p>8 about the Virality Project. What were the</p> <p>9 nature of the conversations with Renée DiResta?</p> <p>10 A. They were at the same time as the</p> <p>11 conversations with Alex. I believe it was</p> <p>12 similar content. And I don't -- it wasn't a</p> <p>13 lengthy conversation, it was just, hey, we're</p> <p>14 doing something, I believe.</p> <p>15 Q. Mm-hmm. Did she ask you for any</p> <p>16 context or anything like that?</p> <p>17 A. I'm sorry, could you repeat that?</p> <p>18 Q. Did she ask you for any context or</p> <p>19 anything like that?</p> <p>20 A. Not that I recall, but I think she</p> <p>21 was with Alex when we had that conversation.</p> <p>22 Q. So you believe it was the same</p> <p>23 conversation with Alex and Renée happened at the</p> <p>24 same time?</p> <p>25 A. Yeah, I believe we were having a</p> |
| Page 138 | Page 140 |
| <p>1 Q. How about --</p> <p>2 A. It should be on our -- sorry.</p> <p>3 It should be on our public website.</p> <p>4 Q. How about switchboarding, did CISA</p> <p>5 do any switchboarding related to COVID-19</p> <p>6 misinformation concerns?</p> <p>7 A. No.</p> <p>8 Q. And again, the switchboarding</p> <p>9 that -- when I use that term I'm using your term</p> <p>10 for kind of routing disinformation concerns and</p> <p>11 misinformation concerns to the social media</p> <p>12 platforms; correct?</p> <p>13 A. Correct, yeah, as far as I'm aware</p> <p>14 there was no -- there was none of that occurred</p> <p>15 related to COVID.</p> <p>16 MR. SAUER: I'm going to pull up</p> <p>17 Exhibit 2 on the screen share, which has also</p> <p>18 been e-mailed to you, which is the Virality</p> <p>19 Project's public reporter.</p> <p>20 (Exhibit No. 2 was marked for</p> <p>21 identification.)</p> <p>22 MR. GARDNER: Hold on one second,</p> <p>23 John.</p> <p>24 MR. SAUER: Which is the Virality</p> <p>25 Project's public report, Virality,</p> | <p>1 meeting, they were briefing us about -- so I</p> <p>2 think this was connected to when I got the brief</p> <p>3 on the report, the election report, when I was</p> <p>4 at the White House. I think that's when they</p> <p>5 mentioned that they were going to potentially do</p> <p>6 something similar around COVID, and asked if we</p> <p>7 had any contacts.</p> <p>8 Q. And did you -- and I take it you</p> <p>9 said earlier you didn't have any contacts;</p> <p>10 right?</p> <p>11 A. Yeah, I didn't have any good</p> <p>12 contacts at CDC or HHS.</p> <p>13 Q. Did you ask anyone else in</p> <p>14 government if they had contacts that would be</p> <p>15 useful to them?</p> <p>16 A. I don't recall doing that, so I</p> <p>17 don't think so.</p> <p>18 Q. Did you notify people at the White</p> <p>19 House about, you know, the briefing you got from</p> <p>20 them or the information you got from them?</p> <p>21 A. So I'm sure I talked to my</p> <p>22 supervisor about the election briefing. I may</p> <p>23 have mentioned, although I don't recall if I did</p> <p>24 or not, that they were going to do something</p> <p>25 similar for -- for COVID.</p> |

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| <p>1 Q. What did you report back about the</p> <p>2 election briefing? I take it that's the long</p> <p>3 fuse report from the Election Integrity Project</p> <p>4 right, or partnership; right?</p> <p>5 A. Yeah, just to the extent we -- just</p> <p>6 in general, we met with them kind of shared kind</p> <p>7 of their lessons learned, kind of what some of</p> <p>8 their big takeaways were. I don't recall what</p> <p>9 the specifics were. It was a brief kind of</p> <p>10 conversation in passing.</p> <p>11 Q. Who was your supervisor at that</p> <p>12 time?</p> <p>13 A. Kaitlin Gegovich (phonetic).</p> <p>14 Q. Looking at the Virality Project</p> <p>15 report, skipping ahead to page 4 of the report?</p> <p>16 A. 4, 4, or Roman numeral four?</p> <p>17 Q. Regular four.</p> <p>18 A. Gotcha.</p> <p>19 Q. Is there's recommendations --</p> <p>20 A. Okay. Okay.</p> <p>21 Q. Is there a recommendation here to</p> <p>22 implement misinformation and disinformation</p> <p>23 center of excellence housed within the cyber</p> <p>24 security infrastructure security agency; do you</p> <p>25 see that?</p> | <p>1 A. I believe so, yeah.</p> <p>2 Q. Have you ever read this report</p> <p>3 before?</p> <p>4 A. I think I read a little bit of it,</p> <p>5 but I don't think I read the whole -- I don't</p> <p>6 recall. I haven't read the whole thing. I</p> <p>7 shouldn't say I don't recall. I haven't read</p> <p>8 the whole thing.</p> <p>9 Q. Do you know when you read it?</p> <p>10 A. I don't.</p> <p>11 Q. Do you know why you read it?</p> <p>12 A. I mean, I would read it, generally</p> <p>13 speaking, I'm interested in understanding what</p> <p>14 researchers find related to mis, dis and</p> <p>15 mal-information.</p> <p>16 Q. I'm sorry, relating to what?</p> <p>17 A. What researchers find, understand,</p> <p>18 what they're learning relating to mis, dis and</p> <p>19 mal-information.</p> <p>20 Q. And did you have any takeaways from</p> <p>21 this report, that informed your work at the MDM</p> <p>22 team?</p> <p>23 A. I don't think there's anything</p> <p>24 specific that we took from this, from a product</p> <p>25 standpoint or anything like that.</p> |
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| <p>1 A. I do.</p> <p>2 Q. So Stanford recommends that the</p> <p>3 government create a misinformation and</p> <p>4 disinformation center of excellence housed</p> <p>5 within CISA; correct?</p> <p>6 MR. GARDNER: Objection. He said</p> <p>7 it calls for speculation.</p> <p>8 A. That's what the sentence says.</p> <p>9 Q. Did they ever discuss --</p> <p>10 A. What they meant by that, I don't</p> <p>11 know what they meant.</p> <p>12 Q. Did they ever -- did Alex Stamos or</p> <p>13 Renée DiResta ever discuss that with you, you</p> <p>14 know, having CISA take on a new and more</p> <p>15 formalized roll with respect to misinformation</p> <p>16 and disinformation?</p> <p>17 A. Not that I recall. I don't think I</p> <p>18 was ever briefed on this report, so I don't</p> <p>19 recall having that conversation.</p> <p>20 Q. Do you know of anyone -- they</p> <p>21 talked to anyone else at CISA about that?</p> <p>22 A. I don't know. I don't know.</p> <p>23 Q. By the time of this report, in</p> <p>24 2021, Matt Masterson was actually working for</p> <p>25 the Stanford Internet Observatory; correct?</p> | <p>1 Q. Do you know how -- do you know how</p> <p>2 the Virality Project tracked, you know,</p> <p>3 misinformation narratives about COVID vaccines</p> <p>4 on social media?</p> <p>5 A. I don't.</p> <p>6 Q. I'm going to jump ahead to page 30</p> <p>7 of the report, very usefully that's also page 30</p> <p>8 of the PDF.</p> <p>9 A. Making things easier.</p> <p>10 Q. I think they learned a lesson after</p> <p>11 the first report.</p> <p>12 A. Yeah.</p> <p>13 Q. Reference here to your --</p> <p>14 A. Okay. Got you.</p> <p>15 Q. There's a reference here to tiered</p> <p>16 ticket analysis, it says: Their analysis</p> <p>17 consisted of lateral -- lateral research that</p> <p>18 used Crowd Tangle and Google searches to assess</p> <p>19 the spread of the incident or content and so</p> <p>20 forth; do you see that?</p> <p>21 A. I do.</p> <p>22 Q. What Crowd Tangle is?</p> <p>23 A. I believe Crowd Tangle was a</p> <p>24 Facebook-owned social media monitoring service.</p> <p>25 Q. And is that something that's</p> |

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| <p>1 available to the public? Can the public kind of</p> <p>2 subscribe to Crowd Tangle?</p> <p>3 MR. GARDNER: Objection.</p> <p>4 BY MR. SAUER:</p> <p>5 Q. Or is it kind of a --</p> <p>6 MR. GARDNER: Objection. Sorry.</p> <p>7 Sorry, thought you were done, John, please, are</p> <p>8 you done?</p> <p>9 MR. SAUER: Yeah.</p> <p>10 MR. GARDNER: Sorry, objection,</p> <p>11 lack of foundation.</p> <p>12 A. So I don't know -- I don't know the</p> <p>13 nature of Crowd Tangle, if it's publicly</p> <p>14 available or not.</p> <p>15 Q. Have you ever heard of it before?</p> <p>16 A. I have.</p> <p>17 Q. In what connection have you heard</p> <p>18 of it?</p> <p>19 A. Just talking, you know, in the</p> <p>20 general, mis, dis, mal-information research</p> <p>21 community, I know it's a tool that some</p> <p>22 researchers use.</p> <p>23 Q. Okay. Next page of the report,</p> <p>24 there's a reference to collecting video --</p> <p>25 there's a reference to -- it says: The</p> | <p>1 Q. And then there in this sentence it</p> <p>2 says -- or sorry, in this paragraph -- it says:</p> <p>3 For example, as voting-related mis and</p> <p>4 disinformation arose in the 2020 presidential</p> <p>5 election, the Election Infrastructure</p> <p>6 Information Sharing and Analysis Center, EI-ISAC</p> <p>7 served a critical role in sharing information in</p> <p>8 the Election Integrity Partnership in pushing</p> <p>9 its rapid response analysis back out to election</p> <p>10 stakeholders across the states; right?</p> <p>11 A. That's what the sentence says,</p> <p>12 yeah.</p> <p>13 Q. And I take it, we asked you this</p> <p>14 before, but are you aware of the EI-ISAC</p> <p>15 sharing -- serving a critical role in sharing</p> <p>16 information with the EIP during 2020?</p> <p>17 A. I -- I'm not. My understanding and</p> <p>18 recollection it was Center For Internet</p> <p>19 Security, it's of course possible that the</p> <p>20 Stanford folks are conflating the EI-ISAC with</p> <p>21 the Center For Internet Security, kind of we</p> <p>22 talked about earlier, they're kind of part of</p> <p>23 the same organization, but I'm not aware of</p> <p>24 those sorts of direct communications with</p> <p>25 EI-ISAC.</p> |
| Page 146 | Page 148 |
| <p>1 engagement data or video view data for links</p> <p>2 associated with each ticket is collected</p> <p>3 differently depending on the social media</p> <p>4 platform in question, colon; do you see that?</p> <p>5 A. I do.</p> <p>6 Q. It talks about how Facebook and</p> <p>7 Instagram, they used Crowd Tangle API; right?</p> <p>8 A. I see that, yeah.</p> <p>9 Q. What is -- do you know what API</p> <p>10 stands for?</p> <p>11 A. I don't.</p> <p>12 Q. Okay. Same question, then, as to</p> <p>13 Twitter, it says Twitter API, YouTube, API, do</p> <p>14 you know what API refers to?</p> <p>15 A. I --</p> <p>16 MR. GARDNER: Objection, asked and</p> <p>17 answered.</p> <p>18 A. Yeah, I don't know, that's a little</p> <p>19 above my technical knowledge.</p> <p>20 Q. Let's jump ahead to page 143.</p> <p>21 A. Okay.</p> <p>22 Q. Okay. Here under: Maintain clear</p> <p>23 channels of communication across all levels of</p> <p>24 government; do you see that?</p> <p>25 A. I do.</p> | <p>1 Q. What is the difference between the</p> <p>2 EI-ISAC and the CIS? My understanding was that</p> <p>3 the CIS was a non-profit, and EI-ISAC is kind of</p> <p>4 like a program that it runs, that allows for</p> <p>5 information sharing among state and local</p> <p>6 election officials, is that the distinction of</p> <p>7 what's the difference?</p> <p>8 MR. GARDNER: Objection, form.</p> <p>9 BY MR. SAUER:</p> <p>10 Q. You may answer.</p> <p>11 A. What's the difference between what,</p> <p>12 CIS and EI-ISAC.</p> <p>13 Q. Yeah, what's the distinction</p> <p>14 between them.</p> <p>15 A. I mean, I don't -- to be honest, I</p> <p>16 don't fully know what the distinction is, my</p> <p>17 understanding is it's roughly, as you kind of</p> <p>18 stated it, right, is CIS is an umbrella</p> <p>19 organization that has organizations underneath</p> <p>20 it. I don't know what the operating</p> <p>21 relationship is between the EI-ISAC and CIS. If</p> <p>22 it's a direct line, I just don't know how they</p> <p>23 operate that way.</p> <p>24 But my understanding is that the</p> <p>25 CIS has its own staff, and that those staff and</p> |

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| <p>1 their own funding, and that that staff and</p> <p>2 funding is what supported the 2020 election</p> <p>3 switchboarding work.</p> <p>4 Q. So, in other words, you think the</p> <p>5 CIS was -- was switchboarding to EIP during</p> <p>6 2020?</p> <p>7 A. I'm not sure that's what I said. I</p> <p>8 mean, the relationship that I understood was</p> <p>9 between CIS and EIP, what specifically they were</p> <p>10 doing as part of that relationship I'm not --</p> <p>11 again, I don't necessarily want to speak to,</p> <p>12 because I'm not 100 percent sure how it worked.</p> <p>13 Q. Well, is the EI-ISAC kind of a</p> <p>14 vehicle in which CIS receives reports of</p> <p>15 misinformation and disinformation from state and</p> <p>16 local election officials?</p> <p>17 MR. GARDNER: Objection, lack of</p> <p>18 foundation, calls for speculation.</p> <p>19 A. Yeah, I don't know how -- how the</p> <p>20 EI-ISAC played in this switchboarding role.</p> <p>21 Q. Down here at the bottom of the same</p> <p>22 page there's another reference to the</p> <p>23 recommendations to implement a misinformation</p> <p>24 and disinformation center of excellence housed</p> <p>25 within the federal government; correct?</p> | <p>1 repeat the question, just to make sure I</p> <p>2 understand it.</p> <p>3 MR. SAUER: Let's break it down.</p> <p>4 BY MR. SAUER:</p> <p>5 Q. Do you recall any discussions with</p> <p>6 anyone outside of CISA about expanding CISA's</p> <p>7 role in addressing misinformation and</p> <p>8 disinformation concerns on social media?</p> <p>9 A. CISA's role, expanding CISA's role,</p> <p>10 yeah. Yes.</p> <p>11 Q. Okay. What conversations do you</p> <p>12 remember about that?</p> <p>13 A. So we were piloting a capability</p> <p>14 that would allow us to monitor narratives</p> <p>15 online.</p> <p>16 Q. Now, when was this piloted?</p> <p>17 A. I believe it was -- we did one</p> <p>18 short pilot, I believe, in summer 2020, so I</p> <p>19 believe it was all 2020.</p> <p>20 Q. What -- what -- what sort of</p> <p>21 pilighting -- can you explain what you mean by</p> <p>22 pilighting -- I'm sorry -- piloting something to</p> <p>23 track mis and disinformation online?</p> <p>24 A. So it wasn't necessarily to track,</p> <p>25 it was to understand the information</p> |
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| <p>1 A. Yeah.</p> <p>2 Q. And that there in that paragraph it</p> <p>3 specifically recommends that it be housed within</p> <p>4 the federal government at CISA; correct? See</p> <p>5 where I've highlighted?</p> <p>6 A. Yeah, I'm just reading that now.</p> <p>7 Yeah, that's what the sentence</p> <p>8 says, yeah.</p> <p>9 Q. Do you have any recollection -- let</p> <p>10 me ask you this: I think you testified earlier</p> <p>11 you don't remember discussing that</p> <p>12 recommendation with anyone; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. How about any discussions of</p> <p>15 changing or increasing CISA's role in -- in kind</p> <p>16 of tracking or monitoring online dis and</p> <p>17 misinformation?</p> <p>18 MR. GARDNER: Objection to the</p> <p>19 extent that answers calls for the disclosure of</p> <p>20 information, subject to the local process</p> <p>21 privilege. I would instruct the witness not to</p> <p>22 answer. To the extent that you can answer that</p> <p>23 without disclosing information related to the</p> <p>24 privilege you can do so.</p> <p>25 THE WITNESS: I'm sorry, can you</p> | <p>1 environment, what narratives were -- were kind</p> <p>2 of perking up. The piloting was, as I'm sure</p> <p>3 you're aware, there was extensive -- extensive</p> <p>4 privacy rules around that sort of work, and so</p> <p>5 it was just kind of piloting it to see if it</p> <p>6 would work, if it did what we wanted it to do.</p> <p>7 In particular, we were trying to</p> <p>8 predict the likely impact of narratives on</p> <p>9 stakeholders. And so we weren't sure if the</p> <p>10 predictive activity that we were doing actually</p> <p>11 worked, so we wanted to test that, and then we</p> <p>12 wanted to just get a sense of the privacy and</p> <p>13 other kind of rules that might be in play and if</p> <p>14 it's something that we could -- we could do.</p> <p>15 Q. What exactly was the pilot? I</p> <p>16 mean, what -- what -- did you have a computer</p> <p>17 program that would, you know, go out and track</p> <p>18 what people were saying on social media? What</p> <p>19 exactly was the pilot? I don't understand.</p> <p>20 MR. GARDNER: I'll object on the</p> <p>21 grounds that that calls for disclosure of</p> <p>22 information subject to deliberative process</p> <p>23 privilege. I instruct the witness not to</p> <p>24 answer.</p> <p>25 MR. SAUER: Yeah, the deliberative</p> |

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| <p style="text-align: right;">Page 153</p> <p>1 process privilege only applies when there is no 2 indication of any government wrongdoing. Our 3 court has already found that there's at least a 4 substantial concern that there were significant 5 first amendment violations, here, so I ask you 6 to withdraw the objection. 7 MR. GARDNER: I understand your 8 position and I decline your invitation. 9 BY MR. SAUER: 10 Q. Are you declining to answer the 11 question, sir? 12 A. Yes. 13 Q. So in that case, can you kind of 14 explain more generally what this pilot project 15 involved in 2020, to track social media on the 16 internet? 17 MR. GARDNER: To the extent that 18 that calls for the disclosure of information 19 subject to the deliberative process privilege I 20 instruct the witness not to answer. 21 To the extent that you can answer 22 that question at a high level of generality, you 23 may do so. 24 A. Yeah, so as I mentioned, our 25 mission is to build the variance to MDM</p> | <p style="text-align: right;">Page 155</p> <p>1 Q. What contractor? 2 A. I believe the company was Limbik. 3 Q. Sorry, can you spell that? 4 A. L-i-m-b-i-k. 5 And then there was a separate 6 pilot, that's more generically around 7 situational awareness of potential narratives 8 online, that didn't feed into the -- into the 9 predictive modeling. 10 Q. Was that a Limbik product, too, 11 that second pilot? 12 A. No, that was a -- that was a 13 different contractor, and I forget who it was. 14 Q. Did either of these pilots ever get 15 any actual programming, something that you used? 16 A. No. The rules we operated the 17 pilot on was that none of it could be used for 18 operational purposes, because there's privacy 19 requirements around that. And so essentially we 20 were just using it for internal deliberations in 21 terms of if the -- if the tools were helpful or 22 not. 23 Q. Did you conclude that they were 24 helpful? 25 MR. GARDNER: Object on the grounds</p> |
| <p style="text-align: right;">Page 154</p> <p>1 targeting critical infrastructure. 2 So essentially what we were trying 3 to understand is if we could predict the likely 4 impact of MDM narrative in terms of increasing 5 risks to critical infrastructure by a better 6 understanding the information environment, so 7 the pilot was essentially trying to test that 8 theory out. 9 Q. Yeah, kind of, again, at a high 10 level of generality, how do you test that theory 11 out? 12 A. So the predictive model essentially 13 was to say -- say you had an image, it would 14 pull particular components of an image out and 15 based on -- I don't want to get too -- I don't 16 know that I understand the black box that they 17 used all that well, if I were trying to test it, 18 but there was a methodology that they used to do 19 that, and so we were just trying to see if that 20 methodology, in fact, worked from a 21 disinformation standpoint. 22 Q. When you say: They, who's they? 23 Is this people at CISA or is there a contractor 24 that created a product? 25 A. It was a contractor.</p> | <p style="text-align: right;">Page 156</p> <p>1 of deliberative process privilege. I instruct 2 the witness not to answer. 3 MR. SAUER: To be clear, I'm asking 4 for the conclusion, not the deliberation. 5 BY MR. SAUER: 6 Q. Did you conclude that they would be 7 useful? 8 MR. GARDNER: Same objections, same 9 instructions. 10 THE WITNESS: Yeah, I'm not going 11 to answer. 12 MR. SAUER: I've e-mailed around 13 Exhibit 9. 14 (Exhibit No. 9 was marked for 15 identification.) 16 BY MR. SAUER: 17 Q. And if you have a minute to look at 18 it, I'm also putting on the screen share, it's a 19 collection of e-mails from October of 2020, 20 produced by the government, involving CISA. And 21 I think they relate to the switchboarding you 22 testified there about earlier. 23 Do you see the -- the document? 24 A. I do. 25 Q. Just look here on the first page,</p> |

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| <p>1 there's an e-mail, if you look here, kind of on</p> <p>2 Thursday, October 1st, at 4:23 p.m., it shows</p> <p>3 misinformation reports sending an e-mail to you,</p> <p>4 to CISA central, which I think you mentioned</p> <p>5 earlier, to CFITF e-mail address, and -- and</p> <p>6 misinformation reports; do you see that?</p> <p>7 A. I do.</p> <p>8 Q. And this is a -- I take it, some</p> <p>9 report that relates to misinformation in social</p> <p>10 media from CIS; correct?</p> <p>11 A. Let me just scroll to the beginning</p> <p>12 of the e-mail chain.</p> <p>13 Yeah, this is a report I received</p> <p>14 from CIS.</p> <p>15 Q. And when CIS e-mailed you this</p> <p>16 report, if you look here, towards the top or</p> <p>17 right in the middle of the first page, CIS --</p> <p>18 first of all, it's signed by Walter Oberes and</p> <p>19 Aaron Wilson; correct?</p> <p>20 A. Yeah.</p> <p>21 Q. And that Aaron, is that the Aaron</p> <p>22 you talked about earlier, as your CIS contact?</p> <p>23 A. It is, correct.</p> <p>24 Q. And how about -- who's Walter</p> <p>25 Oberes?</p> | <p>1 A. So as I mentioned earlier, we did</p> <p>2 get some briefs from them when they were setting</p> <p>3 things up, to let us know how they would work,</p> <p>4 and there was mention of a ticketing system</p> <p>5 during that, those conversations.</p> <p>6 Q. When you received this report you</p> <p>7 forwarded it onto Facebook, correct, directly</p> <p>8 above?</p> <p>9 A. I did.</p> <p>10 Q. And you said --</p> <p>11 A. Correct.</p> <p>12 Q. And you said: This is not</p> <p>13 Facebook-related reporting, but thought it would</p> <p>14 be of interest to your team; right?</p> <p>15 A. Right.</p> <p>16 Q. Why did you forward it onto</p> <p>17 Facebook if it appears to relate to tweets or</p> <p>18 Twitter, as opposed to Facebook?</p> <p>19 A. Well, it related to Twitter and I</p> <p>20 believe YouTube, if I'm reading this correctly.</p> <p>21 Q. Yeah, why did you forward it onto</p> <p>22 Facebook?</p> <p>23 A. There's a lot of ways that people</p> <p>24 generate traffic to YouTube, in particular, but</p> <p>25 Twitter, as well, is by posting it across</p> |
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| <p>1 A. I don't know.</p> <p>2 Q. Okay. And he -- they say:</p> <p>3 Brian -- referring to you -- we know many are</p> <p>4 already aware of this case, but the impact seems</p> <p>5 to be escalating. Our hope is the platforms can</p> <p>6 do more to take down the misinformation;</p> <p>7 correct?</p> <p>8 A. That's what this says, correct.</p> <p>9 Q. And then it goes on to say: The</p> <p>10 EIP has been tracking this spread under ticket</p> <p>11 EIP-243, and has more examples; correct?</p> <p>12 A. Correct.</p> <p>13 Q. Did they commonly tell you when the</p> <p>14 EIP was tracking online misinformation, as well</p> <p>15 as CIS?</p> <p>16 A. I don't think that was common, no.</p> <p>17 Q. Okay. Were you aware, at the time,</p> <p>18 of what an EIP ticket was?</p> <p>19 A. I understood that EIP was using a</p> <p>20 ticketing system. That's the extent of it, so</p> <p>21 that's what I assumed it was.</p> <p>22 Q. And how did you know that?</p> <p>23 A. That they were using a ticketing</p> <p>24 system?</p> <p>25 Q. Yeah.</p> | <p>1 platforms.</p> <p>2 So something like this, it would</p> <p>3 sometimes share across other platforms that we</p> <p>4 thought there might be -- it might be relevant</p> <p>5 content showing up on their platforms.</p> <p>6 Q. In other words, if the</p> <p>7 disinformation or misinformation might be</p> <p>8 spreading to other platforms you would notify</p> <p>9 not just the platform reported, but other</p> <p>10 platforms, as well, so that they could be aware</p> <p>11 of this content; is that what you did?</p> <p>12 A. Yeah. So if I'm reading this</p> <p>13 correctly, it sounds like it literally jumped</p> <p>14 platforms. So maybe I'm misreading. And so,</p> <p>15 yeah, sometimes we would just -- we would share.</p> <p>16 Q. When you say: We would share, you</p> <p>17 mean you would share it with other platforms</p> <p>18 than the one that was currently hosting the</p> <p>19 reported content?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Just scrolling down a few</p> <p>22 pages, there a page with a Bates number 9676 at</p> <p>23 the bottom.</p> <p>24 A. 9676.</p> <p>25 Q. It's page 7 of the PDF.</p> |

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| <p>1 A. Let me just make sure I got the 2 right one. Got it. 3 Q. And again, on this one, here's 4 another e-mail, and you said: Hi Richard, this 5 is not Google-specific reporting, but thought it 6 might be of interest to your team; correct? 7 A. Correct. 8 Q. And there's this other situation 9 where a misinformation report had come in that 10 related to a content of other platforms, and you 11 shared it with a different platform; right? 12 A. This looks like the same example we 13 talked about above. 14 Q. Oh, yeah, because this is the one 15 being tracked under ticket EIP243? 16 A. I believe it's the same. Reading 17 the e-mail it looks the same. 18 Q. Is this something that was kind of 19 a common practice when you were performing this 20 switchboarding function that you described in 21 2020, that you would report misinformation 22 concerns, not just platform directly affected, 23 but other platforms, as well, to get ahead of 24 it, so to speak? 25 MR. GARDNER: Objection, asked and</p> | <p>1 A. Mm-hmm. 2 Q. And that was the platform that was 3 directly affected; right? 4 A. Correct. 5 Q. And then talking to Twitter, at the 6 very top, there, you said, you know, good 7 afternoon, suspect you are -- you all are 8 already aware of these issues, we wanted to pass 9 along this reporting from Sonoma County, 10 California, to see if there's anything you can 11 share on how you're approaching; right? 12 A. Mm-hmm. 13 Q. Is that -- sorry, can you answer it 14 with a yes or no? 15 A. Oh, I'm sorry. 16 Yes. 17 Q. Is that something you did when you 18 were serving the switchboarding function was ask 19 the social media platforms to report back how 20 they had addressed the contents reported? 21 A. Generally we would do that if the 22 election official asked. 23 Q. Why did you do that? 24 A. Well, the -- the election official 25 reported something, they just wanted to know if</p> |
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| <p>1 answered. You can answer. 2 A. I wouldn't say it was a common 3 practice, but we did do it period -- do it 4 periodically. 5 Q. Let me jump ahead to Bates number 6 8356. 7 A. Which PDF page is that? 8 Q. That looks like it's going to be 9 page 12 of the PDF. 10 A. Okay. All right. Just so you 11 know, for the e-mail, the PDF page numbers are 12 going to be a lot more helpful. 13 Q. Sure. 14 A. So 8357, is that what I'm looking 15 at? 16 Q. 56, I think it's the page before. 17 A. Oh, the one above? I got you. 18 Q. So, yeah, and I think this still 19 relates to the same ticket; right? If you look 20 at the middle of the page, you're still dealing 21 with the same report from CIS that has that same 22 EIP ticket number; correct? 23 A. Yeah, it appears correct. 24 Q. And this one you passed this onto 25 Twitter; right?</p> | <p>1 a decision was made often, not often, sometimes. 2 And so if the platform was open to 3 sharing if they had made a decision or not, we 4 would just push that back to the election 5 officials so they were aware -- 6 Q. So -- 7 A. -- of where the platform landed. 8 Q. So CISA would, if the state or 9 local official wanted to know, you know, whether 10 the reported misinformation had been actioned in 11 some way, CISA would ask the social media 12 platform to report that back, and then CISA 13 would relay that to the social media -- sorry -- 14 to the state or local official; is that right? 15 A. Yeah, we did that periodically, 16 where we would ask if the decision was made and 17 if we can share back. 18 Q. Did you do -- 19 A. The platforms got better, along the 20 way, of communicating directly with the election 21 officials, themselves. 22 Q. Sometimes they would report back 23 directly, later in the process, especially? 24 A. Yeah, I believe it got better kind 25 of as time went on.</p> |

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|---|---|
| <p>1 Q. Did you do anything else with that</p> <p>2 information, about whether and how the reported</p> <p>3 misinformation had been actioned by the social</p> <p>4 media platform?</p> <p>5 A. Did we do anything else with it?</p> <p>6 No. No. I mean, if it came to CIS</p> <p>7 we would push the response from the platform</p> <p>8 back up to CIS. If the information we received</p> <p>9 from the election official came direct to us we</p> <p>10 would push that back, just back to the election</p> <p>11 official.</p> <p>12 Q. How about anyone else, would anyone</p> <p>13 else be notified how they acted?</p> <p>14 A. I think we may have put a notation</p> <p>15 in the tracking spreadsheet we kept, if a</p> <p>16 platform said something returned. But that was</p> <p>17 an internal set of documents that would go to --</p> <p>18 normally our attorneys, the privacy folks, would</p> <p>19 let you see the tracking list review,</p> <p>20 periodically.</p> <p>21 Q. So there was an internal</p> <p>22 spreadsheet created by CISA to track these</p> <p>23 reports?</p> <p>24 A. Yes.</p> <p>25 Q. And did you enter, you know, all of</p> | <p>1 Q. And then I think you said Rob</p> <p>2 Schaul did that, S-c-h-a-u-l; corrects?</p> <p>3 A. Correct, and then Alex Zaheer, who</p> <p>4 also should be on the org chart.</p> <p>5 Q. How do you spell letter name?</p> <p>6 A. His name, Alex, A-l-e-x,</p> <p>7 Z-a-h-e-e-r.</p> <p>8 Q. Okay. Anyone else?</p> <p>9 A. There's an intern.</p> <p>10 Q. Can you name the intern, please?</p> <p>11 A. No, I'm not going to name the</p> <p>12 intern.</p> <p>13 Q. Are you refusing to answer that</p> <p>14 question without an instruction, again?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Anyone else?</p> <p>17 A. I feel like there was, but I'm</p> <p>18 forgetting names, right now. But those would</p> <p>19 have been the principal -- oh, John Stafford,</p> <p>20 sorry.</p> <p>21 Q. What's his role at CISA?</p> <p>22 A. He is not at CISA any longer. He</p> <p>23 left sometime in 2021.</p> <p>24 Q. Okay. What was his role?</p> <p>25 A. He was an analyst by -- like the</p> |
| Page 166 | Page 168 |
| <p>1 your switchboarding activity reports into that</p> <p>2 spreadsheet?</p> <p>3 A. Yeah, we did the best we could to</p> <p>4 make sure everything was captured in there.</p> <p>5 Q. Does that spreadsheet still exist?</p> <p>6 A. I believe -- I would assume so.</p> <p>7 Q. Who else -- or who would enter the</p> <p>8 information in this spreadsheet?</p> <p>9 A. So the MDM team took shifts, in</p> <p>10 terms of receiving and doing -- like I said, it</p> <p>11 was very resource intensive for us, and so other</p> <p>12 members of the MDM team would have asserted</p> <p>13 stuff in there, as well, if it was their shifts.</p> <p>14 Q. Who would have -- who took shifts,</p> <p>15 other than you?</p> <p>16 A. So back then it would have been</p> <p>17 myself, Chad, Rob, from that org chart, sorry,</p> <p>18 Rob Schaul, Chad Josiah, who else was doing it</p> <p>19 back then, myself, Alex Zaheer, an intern, which</p> <p>20 I'm not going to name, and I think that was it.</p> <p>21 Q. Let me see if I caught all --</p> <p>22 A. I think that was it.</p> <p>23 Q. Let me see if I caught all those</p> <p>24 e-mails, Chad Josiah did that?</p> <p>25 A. Mm-hmm.</p> | <p>1 others.</p> <p>2 Q. And would all those people be</p> <p>3 involved in e-mails like the ones we're looking</p> <p>4 at here in October 9 -- sorry -- in Exhibit 9,</p> <p>5 where word would come in from, you know, CIS or</p> <p>6 somebody like that, they would forward it onto a</p> <p>7 social media platform?</p> <p>8 A. Yeah, so they would -- if -- if</p> <p>9 they received something, they would play that</p> <p>10 switchboard role and they would forward it to</p> <p>11 the platforms.</p> <p>12 Q. And then would they, like you,</p> <p>13 report back sometimes to CIS or whatever</p> <p>14 reporter on how things had been actioned?</p> <p>15 A. I don't recall if they did that or</p> <p>16 not. If the -- if the platform sent something</p> <p>17 back on their own, which sometimes happened, as</p> <p>18 well, they would report that. I don't know that</p> <p>19 they did anything beyond that.</p> <p>20 Q. Did any of them communicate with</p> <p>21 anyone at the Election Integrity Partnership?</p> <p>22 A. Well, the intern, I believe, worked</p> <p>23 both, although, when he was on duty, he was only</p> <p>24 working for us. Beyond that, I don't -- I don't</p> <p>25 know. I don't know that we would have</p> |

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|---|--|
| <p>1 conversations, not about the switchboarding, I</p> <p>2 wouldn't think.</p> <p>3 Q. You say the intern worked both, you</p> <p>4 mean the intern part of the time was working for</p> <p>5 CISA and part of the time was working for EIP?</p> <p>6 A. So my understanding -- so the</p> <p>7 intern was a Stanford student, so he worked part</p> <p>8 time for us. On election day, when he would</p> <p>9 have been on the agenda, he was just working for</p> <p>10 us.</p> <p>11 And my understanding is he also did</p> <p>12 some work for the Stanford Internet Observatory.</p> <p>13 I don't know what that work entailed, if it was</p> <p>14 EIP-specific or not. But yeah, he was -- he did</p> <p>15 do some stuff with the Stanford Internet</p> <p>16 Observatory, I'm just not a hundred percent</p> <p>17 certain of the nature of it.</p> <p>18 Q. Do you know whether he was involved</p> <p>19 in tracking misinformation and disinformation</p> <p>20 for the Stanford Internet Observatory?</p> <p>21 A. I don't know if that intern was</p> <p>22 responsible for that or doing that work.</p> <p>23 Q. Was that the only intern during</p> <p>24 2020 who was simultaneously working part time</p> <p>25 for CISA, and also working with Stanford</p> | <p>1 switchboarding.</p> <p>2 Q. Okay. So should we add intern</p> <p>3 number two is also a -- a person who engages in</p> <p>4 switchboarding e-mails?</p> <p>5 A. Correct.</p> <p>6 Q. Are you declining to disclose the</p> <p>7 name of intern number two, as well?</p> <p>8 A. Intern number two is on our staff</p> <p>9 now.</p> <p>10 Q. What's his name?</p> <p>11 A. Alex.</p> <p>12 Q. Alex what?</p> <p>13 A. Zaheer.</p> <p>14 Q. So Alex Zaheer was -- was he one of</p> <p>15 the interns who originated the idea of the EIP?</p> <p>16 A. Correct.</p> <p>17 Q. What's his role in CISA now?</p> <p>18 A. He is an analyst on the MDM team.</p> <p>19 Q. What does he do for CISA?</p> <p>20 A. He works on the MDM team. He</p> <p>21 does -- we talked about him earlier in the org</p> <p>22 chart discussion.</p> <p>23 Q. I'm sorry, I don't remember, what</p> <p>24 does he do?</p> <p>25 A. So he steps across the range of</p> |
| Page 170 | Page 172 |
| <p>1 Internet Observatory?</p> <p>2 A. No. There was one other, as I</p> <p>3 mentioned earlier, there were two.</p> <p>4 Q. And so, I see, in other words, it</p> <p>5 wasn't sequential. Those two interns, did they</p> <p>6 maintain their part-time internship at CISA</p> <p>7 through the election -- the end of the election</p> <p>8 cycle in 2020?</p> <p>9 A. Correct. They were summer interns,</p> <p>10 full-time summer interns, and then they went</p> <p>11 back, they continued their studies at Stanford</p> <p>12 and part-time interns of us.</p> <p>13 Q. Okay. So they also, I take it,</p> <p>14 when they went back to Stanford for the fall</p> <p>15 semester they also worked for the Stanford</p> <p>16 Internet Observatory?</p> <p>17 A. That's my understanding, correct.</p> <p>18 Q. And at least one of those interns</p> <p>19 was involved in doing these switchboarding</p> <p>20 e-mails like we're looking at in Exhibit 9;</p> <p>21 right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. What -- what did the other</p> <p>24 intern do during this timeframe for CISA?</p> <p>25 A. He also did some of the</p> | <p>1 work, he does some analysis, he does some</p> <p>2 engagement, he does some product development</p> <p>3 work.</p> <p>4 Q. What's engagement? Does he talk to</p> <p>5 social media platforms for CISA?</p> <p>6 A. He does not, no.</p> <p>7 Q. Does he still do any work for</p> <p>8 Stanford Internet Observatory?</p> <p>9 A. No, not that I'm aware of.</p> <p>10 Q. When was he involved in working for</p> <p>11 Stanford Internet -- Stanford Internet</p> <p>12 Observatory, to your knowledge?</p> <p>13 A. I don't know. It would have been</p> <p>14 before he graduated, as far as I'm aware.</p> <p>15 Q. I'm asking you again, what's the</p> <p>16 name of intern number one, the one who was</p> <p>17 involved in routing disinformation concerns to</p> <p>18 social media platforms, during the 2020</p> <p>19 election, whose name you haven't disclosed yet?</p> <p>20 A. I'm still not going to disclose his</p> <p>21 name.</p> <p>22 MR. SAUER: Counsel, on the break</p> <p>23 let's talk about that.</p> <p>24 BY MR. SAUER:</p> <p>25 Q. Moving on a little bit, if I could</p> |

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|--|---|
| <p>1 direct your attention back to -- or actually,</p> <p>2 let's jump ahead in the Exhibit 9. Actually,</p> <p>3 let me -- let's stay on this page.</p> <p>4 A. Which page?</p> <p>5 Q. I think we're on page 11 of the</p> <p>6 PDF.</p> <p>7 A. Okay.</p> <p>8 Q. Or actually, I'm sorry, let's jump</p> <p>9 ahead to page 10603 Bates, and then that's going</p> <p>10 to be page 18 of the PDF.</p> <p>11 A. All right. Okay. I'm on page 18.</p> <p>12 Q. Okay. If you look here, this is a</p> <p>13 reporting chain of a misinformation concern from</p> <p>14 you to Twitter, on October 10th; correct?</p> <p>15 A. Yes, that's what it appears to be.</p> <p>16 Q. And you're making this report at --</p> <p>17 on the Saturday afternoon; right? Or is that an</p> <p>18 early Saturday morning? It looks like it's a</p> <p>19 Saturday afternoon, at 12:52 p.m., there at the</p> <p>20 bottom of the page; do you see that?</p> <p>21 A. I do.</p> <p>22 Q. So you talked about this being</p> <p>23 resource intensive. Were you guys staffing, you</p> <p>24 know, the misinformation reports and doing the</p> <p>25 switchboarding on nights and weekends?</p> | <p>1 meddling of the night.</p> <p>2 A. No. I mean, technically, you would</p> <p>3 be on for a day, if you're on your shift. But</p> <p>4 there wasn't an expectation, if something came</p> <p>5 in at 3:00 in the morning, that you were</p> <p>6 forwarding it on.</p> <p>7 Q. How because between 11:00 and 12:00</p> <p>8 at night?</p> <p>9 A. Yeah, I mean if you were awake at</p> <p>10 11:00 or 12:00 at night, I think that we would</p> <p>11 push it on, and then obviously on election --</p> <p>12 election night we were -- we were up until at</p> <p>13 least midnight. So if we received anything we</p> <p>14 would push it forward.</p> <p>15 But again, it was more when we got</p> <p>16 into kind of off hours you just ask people to</p> <p>17 monitor their phones, if they could, and if</p> <p>18 something came in just to push it forward. But</p> <p>19 the expectation that, as per this e-mail, that</p> <p>20 they would be responsible for forwarding</p> <p>21 something.</p> <p>22 Q. Let me ask you this: If you look</p> <p>23 at this e-mail chain we're looking at, where it</p> <p>24 says you would forward on a concern at 12:52</p> <p>25 p.m., and looks like about 20 minutes later, on</p> |
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| <p>1 A. So we ramped up as we got closer to</p> <p>2 the election. At this stage I think it was</p> <p>3 primarily me that would receive them over the</p> <p>4 weekends. I forget when we started -- when I</p> <p>5 started handing some of that off to my team to</p> <p>6 also pick it up over the weekends.</p> <p>7 But at some point, we did have</p> <p>8 people on the schedule. It didn't mean that</p> <p>9 they were 24/7 waiting for things, they just</p> <p>10 needed to monitor their phones in case something</p> <p>11 came in.</p> <p>12 Q. How -- so somebody was kind of</p> <p>13 tasked with -- I think you called them shifts,</p> <p>14 earlier -- someone was tasked with covering a</p> <p>15 shift at all times, not at all times, but at</p> <p>16 times over the weekend?</p> <p>17 A. Yeah, particularly as we got closer</p> <p>18 to the election. I wouldn't say it was the</p> <p>19 entire election cycle, it was -- I don't know</p> <p>20 when it started, but probably sometime in</p> <p>21 mid-October when -- when we started just shifts</p> <p>22 so that people could review, before that it was</p> <p>23 mostly me that would receive them from CIS.</p> <p>24 Q. And -- and then how about did you</p> <p>25 ever have it where you were doing shifts in the</p> | <p>1 a Saturday afternoon, maybe Saturday morning,</p> <p>2 for them, Twitter responds and says: Thanks,</p> <p>3 Brian, we will escalate; do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. So it looks like the people at</p> <p>6 Twitter are monitoring their phones to respond</p> <p>7 promptly to your reports; is that right?</p> <p>8 A. I mean, that would -- I don't know</p> <p>9 what their monitoring behavior was, in this case</p> <p>10 she certainly responded relatively quickly on a</p> <p>11 Saturday.</p> <p>12 Q. And that's not the only case, it</p> <p>13 happens again and again and again, where you get</p> <p>14 almost immediate responses from not just</p> <p>15 Twitter, but Facebook and others; correct?</p> <p>16 A. I mean, don't know. I'd have to --</p> <p>17 I'm sure you could show me documents that would</p> <p>18 who that, but I honestly don't know the</p> <p>19 timelines of sends and returns.</p> <p>20 Q. Well, you remember them pingping you</p> <p>21 back promptly and being very responsive when you</p> <p>22 would make reports like this?</p> <p>23 A. They were generally responsive in</p> <p>24 making sure that we knew that they received it,</p> <p>25 yeah.</p> |

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|---|---|
| <p>1 Q. And not just received it, for</p> <p>2 example, in this case, not long after that, at</p> <p>3 6:30 p.m. the same day, she notifies you: These</p> <p>4 tweets have actioned for violations of our</p> <p>5 policies; right?</p> <p>6 A. That's what the e-mail says, yep.</p> <p>7 Q. And was that timeframe typical,</p> <p>8 were they turning around, you know, content that</p> <p>9 was flagged and taking action on it within hours</p> <p>10 of your reports?</p> <p>11 A. It's hard to say, because they</p> <p>12 didn't always get back to us if they hadn't</p> <p>13 taken any action. So I don't know if I would</p> <p>14 say that's typical.</p> <p>15 You know, sometimes they would let</p> <p>16 us know, sometimes they wouldn't. Generally</p> <p>17 speaking, I think they made their decisions</p> <p>18 relatively quickly. So I would assume if they</p> <p>19 did get back to me it would be relatively</p> <p>20 quickly. But I can't speak to their timing or</p> <p>21 their processes or any of that stuff. A lot of</p> <p>22 times they just didn't let us know --</p> <p>23 Q. But the more response --</p> <p>24 A. -- to be honest, if they received</p> <p>25 it.</p> | <p>1 that you talked about, between the USG and the</p> <p>2 industry, was it ever brought up that, hey, you</p> <p>3 know, we're going to have people standing by and</p> <p>4 watching for misinformation reports so we can</p> <p>5 move quickly on them?</p> <p>6 A. Not that I recall. I believe on</p> <p>7 election night several of the platforms set up</p> <p>8 their own operations center. But I don't know</p> <p>9 that there's ever a conversation about -- from</p> <p>10 the government expecting platforms to have any</p> <p>11 particular timeline.</p> <p>12 Q. Again, these sort of e-mail --</p> <p>13 e-mails that we're looking at here in Exhibit 9,</p> <p>14 from you to the platform and the platforms</p> <p>15 responding back about misinformation that you</p> <p>16 guys have switchboarded to them, I take it</p> <p>17 there's a set of e-mails like this, for not just</p> <p>18 you, but also for Chad Josiah, Rob Schaul, Alex</p> <p>19 Zaheer, John Stafford, and an intern that you</p> <p>20 haven't named yet; right?</p> <p>21 MR. GARDNER: Objection, compound.</p> <p>22 A. So if I'm understanding your</p> <p>23 question, would you find e-mails from those</p> <p>24 individuals to platforms notifying them or</p> <p>25 forwarding information from an election</p> |
| Page 178 | Page 180 |
| <p>1 Q. Sorry to interrupt.</p> <p>2 A. Yeah, I just wanted to say,</p> <p>3 normally we would get a note that they received</p> <p>4 the messages I forwarded to them. We often</p> <p>5 didn't receive any kind of notification that</p> <p>6 they had taken action, no action, or what their</p> <p>7 decision was, so it's hard to say kind of what</p> <p>8 their typical timeline was for making decisions.</p> <p>9 Q. Let me ask you this: Were they</p> <p>10 more responsive to you, as a representative of a</p> <p>11 federal national security agency, than they were</p> <p>12 to ordinary people who made such reports, if you</p> <p>13 know?</p> <p>14 MR. GARDNER: Objection.</p> <p>15 Objection, lack of foundation, calls for</p> <p>16 speculation.</p> <p>17 A. Yeah, I have no clue. I don't know</p> <p>18 what the timeline was, generally.</p> <p>19 Q. Were there ever discussions between</p> <p>20 you or anyone at CISA and any one of the</p> <p>21 platforms about making sure the platforms are</p> <p>22 monitoring their e-mails for the -- the</p> <p>23 government's reports of misinformation?</p> <p>24 A. No.</p> <p>25 Q. How about in the synch meetings</p> | <p>1 official, so yes.</p> <p>2 Would there likely be -- it's hard</p> <p>3 for me to know if -- if they always responded</p> <p>4 back, beyond the received, which I think was</p> <p>5 pretty standard.</p> <p>6 So I would assume that you would</p> <p>7 find change with other members of the team,</p> <p>8 where they sent something over to a platform and</p> <p>9 the platform said received, so yeah, if that's</p> <p>10 your question.</p> <p>11 Q. So in other words, at least those</p> <p>12 five individuals I just listed were involved,</p> <p>13 separate from the e-mails that we're looking at</p> <p>14 that involved you, they were sending their own</p> <p>15 e-mails, when it was their shift, to social</p> <p>16 media platforms, flagging disinformation</p> <p>17 concerns?</p> <p>18 A. Yeah, that's correct. But keep in</p> <p>19 mind, over the entire course of the election I</p> <p>20 think we forwarded about 200 e-mails, total. So</p> <p>21 I would imagine the vast majority of them are</p> <p>22 mine, because for a period of time I was the</p> <p>23 principal one relaying it.</p> <p>24 But then to answer your question,</p> <p>25 yes, there's probably other e-mail chains with</p> |

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| <p>1 those five representatives on it.</p> <p>2 MR. GARDNER: So we've now been</p> <p>3 going almost two hours. I think now would</p> <p>4 probably be a good time for a break.</p> <p>5 MR. SAUER: Let me ask one more</p> <p>6 question, that's right on this topic, and how</p> <p>7 about that or one little set of questions.</p> <p>8 MR. GARDNER: Sure.</p> <p>9 BY MR. SAUER:</p> <p>10 Q. Did you ever discuss with Alex</p> <p>11 Zaheer what he did for the Election Integrity</p> <p>12 Partnership?</p> <p>13 A. I'm sure I had conversations with</p> <p>14 Alex about his work with SIO, which was part of</p> <p>15 the larger integrity partnership.</p> <p>16 Q. What did you discuss with him about</p> <p>17 his work for SIO?</p> <p>18 A. I think he just talked about that</p> <p>19 he was participating in it, I don't know the</p> <p>20 specifics of the conversation, but that he was</p> <p>21 participating in it, and he was one of the</p> <p>22 people that were working with the ticketing</p> <p>23 system.</p> <p>24 Q. When you say: Working with the</p> <p>25 ticketing system, what did he say he was doing</p> | <p>1 MR. SAUER: Why don't we take a</p> <p>2 break there.</p> <p>3 MR. GARDNER: Okay. I mean, it is</p> <p>4 now -- oh, let's go off the record.</p> <p>5 THE VIDEOGRAPHER: The time is now</p> <p>6 12:34. We're off the record.</p> <p>7 (Recess.)</p> <p>8 THE VIDEOGRAPHER: The time is now</p> <p>9 1:41 p.m. We are back on the record.</p> <p>10 MR. GARDNER: Thank you. And as I</p> <p>11 had mentioned before we got back on the record,</p> <p>12 the witness wanted to say something before we</p> <p>13 began.</p> <p>14 THE WITNESS: So the intern that</p> <p>15 did both SIO and CISA push forwarding was Pierce</p> <p>16 Lowary.</p> <p>17 BY MR. SAUER:</p> <p>18 Q. And is that L-o-w-a-r-y?</p> <p>19 A. I believe so, yeah.</p> <p>20 Q. And that intern worked</p> <p>21 simultaneously with CISA and the EIP?</p> <p>22 A. And SIO was a member of the EIP.</p> <p>23 Q. Right. What did he do for SIO</p> <p>24 while this was going on, do you know?</p> <p>25 A. I don't.</p> |
| Page 182 | Page 184 |
| <p>1 with the ticketing system?</p> <p>2 A. I don't recall. I mean, I was -- I</p> <p>3 don't know how the ticketing system works, so I</p> <p>4 don't know, kind of, how his role would have</p> <p>5 played in there, what it was.</p> <p>6 Q. When you refer to the ticketing</p> <p>7 system, is that the system that Stanford had for</p> <p>8 receiving reports of disinformation that they</p> <p>9 would analyze?</p> <p>10 A. Correct.</p> <p>11 Q. How about the other intern, the one</p> <p>12 you haven't named yet, did you ever discuss with</p> <p>13 that intern the work he did for the Stanford</p> <p>14 Internet Observatory?</p> <p>15 A. I don't -- I don't recall. I don't</p> <p>16 think -- certainly not in the level of detail</p> <p>17 with Alex. Obviously Alex came to work for us,</p> <p>18 so I have a little more familiarity with what he</p> <p>19 did with SIO. So I don't -- I didn't have a</p> <p>20 clear understanding of the other intern's role.</p> <p>21 Q. What did the other intern go on to</p> <p>22 do?</p> <p>23 A. I don't know. As far as I know,</p> <p>24 he's still at Stanford. But I don't know if he</p> <p>25 graduated.</p> | <p>1 Q. What did he do for CISA while this</p> <p>2 was going on?</p> <p>3 A. Again, he was part-time in the</p> <p>4 fall, so he would support the analytic stuff,</p> <p>5 and then, as I mentioned, he did some work in</p> <p>6 terms of the switchboarding. I'm not --</p> <p>7 obviously not sure the extent of the e-mails or</p> <p>8 anything like that, that he would have forwarded</p> <p>9 over to the platforms.</p> <p>10 Q. Now, Pierce Lowary was involved in</p> <p>11 forwarding e-mails over to the platforms?</p> <p>12 A. Correct.</p> <p>13 Q. And that's in addition to Chad</p> <p>14 Josiah, Rob Schaul, Alex Zaheer, John Stafford,</p> <p>15 and yourself; correct?</p> <p>16 A. Correct.</p> <p>17 Q. Anyone else, in 2020, who would</p> <p>18 engage in those switchboarding e-mails?</p> <p>19 A. I believe that was all.</p> <p>20 Q. Was Pierce --</p> <p>21 A. From my recollection.</p> <p>22 Q. Was Pierce Lowary one of the four</p> <p>23 interns who originated the idea of the EIP?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Who were the other two?</p> |

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|---|--|
| <p>1 A. I don't --</p> <p>2 Q. Well, let me -- what about Alex</p> <p>3 Zaheer, was he one of the ones?</p> <p>4 A. Alex was one.</p> <p>5 Q. The idea --</p> <p>6 A. It got --</p> <p>7 MR. GARDNER: Hold on, guys, you</p> <p>8 keep talking over each other. So let Mr. Sauer</p> <p>9 ask the question and then please answer.</p> <p>10 John, can you re-ask it?</p> <p>11 BY MR. SAUER:</p> <p>12 Q. Was Alex Zaheer one of the four</p> <p>13 interns who originated the idea of the EIP?</p> <p>14 A. He was.</p> <p>15 Q. And he went on, like Mr. Lowary, to</p> <p>16 simultaneously work for CISA and for Stanford</p> <p>17 Internet Observatory during the 2020 election</p> <p>18 cycle?</p> <p>19 A. Correct.</p> <p>20 Q. Who were the other two interns who</p> <p>21 originated the idea?</p> <p>22 A. The fourth intern I do not know who</p> <p>23 they're referring to, so I'm not sure who that</p> <p>24 is.</p> <p>25 The first intern is Isabella</p> | <p>1 A. I don't believe so, but I'm not</p> <p>2 sure kind of their arrangement in the SIO front.</p> <p>3 I think SIO was -- I think SIO may have been --</p> <p>4 I'm not sure how that worked with SIO when</p> <p>5 they're interns, but she did not work for us in</p> <p>6 the fall, when she was working for SIO, that I'm</p> <p>7 certain of, so I don't know what the</p> <p>8 relationship was over the summer internship.</p> <p>9 Q. What -- what did she do for CISA?</p> <p>10 A. Again, like the other analysts,</p> <p>11 typical intern stuff, supporting product</p> <p>12 development, helping with, you know, any</p> <p>13 research projects, standard kind of intern work</p> <p>14 across the three panels I mentioned before,</p> <p>15 engagement, product development, and analysis</p> <p>16 research.</p> <p>17 Q. Who is Ayelet Drazen, D-r-a-z-e-n,</p> <p>18 first name A-y-e-l-e-t?</p> <p>19 A. I don't know.</p> <p>20 Q. Who is Ashwin Ramaswami?</p> <p>21 A. I believe he was one of the</p> <p>22 election security interns.</p> <p>23 Q. During 2020 at CISA?</p> <p>24 A. At least the summer of 2020. I</p> <p>25 don't -- I don't know, kind of, how long he</p> |
| Page 186 | Page 188 |
| <p>1 Camargo, I forget the rest of her last name, I'm</p> <p>2 sorry. I'd have to look.</p> <p>3 Q. Is it Isabella Garcia-Camargo?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. When did she intern for</p> <p>6 CISA?</p> <p>7 A. Over the summer of 2020.</p> <p>8 Q. Did she do that into the fall?</p> <p>9 A. She did not.</p> <p>10 Q. Did she go on in the fall to work</p> <p>11 for Stanford -- Stanford Internet Observatory?</p> <p>12 A. Yes.</p> <p>13 Q. And did she work for Stanford</p> <p>14 Internet Observatory during the summer, when she</p> <p>15 was also working for CISA?</p> <p>16 A. Yes.</p> <p>17 Q. Who is Ayelet Drazen, D-r-a --</p> <p>18 A. Hold on a second, I'm sorry, can</p> <p>19 you repeat that last question?</p> <p>20 Q. Which question, who is Ayelet</p> <p>21 Drazen?</p> <p>22 A. No, the one before.</p> <p>23 Q. Did she work for Stanford Internet</p> <p>24 Observatory during the time she was also working</p> <p>25 for CISA?</p> | <p>1 stuck around. I didn't really work with him.</p> <p>2 Q. Is he another Stanford intern?</p> <p>3 A. Yeah, I believe so.</p> <p>4 Q. Did he go on to work for the</p> <p>5 Stanford Internet Observatory?</p> <p>6 A. I don't know. I don't know.</p> <p>7 Q. How about Jack Cable, C-a-b-l-e?</p> <p>8 A. He was a Stanford intern. I</p> <p>9 don't -- I don't know what he did, after, just</p> <p>10 for the summer, that I'm aware of, but I'm not</p> <p>11 entirely sure. He didn't work on the MDM stuff</p> <p>12 with me.</p> <p>13 Q. What did he do at CISA, do you</p> <p>14 know?</p> <p>15 A. He was more cyber-focused, so I'm</p> <p>16 not entirely sure, really, what his projects</p> <p>17 are.</p> <p>18 Q. Just a second, I'm e-mailing you</p> <p>19 two new exhibits.</p> <p>20 Let me ask this: Were you involved</p> <p>21 in -- Mr. Scully, were you involved in preparing</p> <p>22 CISA's discovery responses to written discovery</p> <p>23 in this case?</p> <p>24 A. I believe I provided names of the</p> <p>25 team. And the IT folks searched my records for</p> |

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|---|---|
| <p>1 me.</p> <p>2 Q. You provided names?</p> <p>3 A. Don't ask --</p> <p>4 Q. Names of the team, what does that</p> <p>5 mean?</p> <p>6 A. So I believe I provided names of</p> <p>7 the people who are part of the MDM team or the</p> <p>8 CFITF.</p> <p>9 Q. So you provided names of key</p> <p>10 custodians, for example, who might have relevant</p> <p>11 e-mails in their inboxes, stuff like that?</p> <p>12 A. Right.</p> <p>13 Q. Okay. Were you involved in</p> <p>14 drafting interrogatory responses?</p> <p>15 A. If I recall correctly, I reviewed</p> <p>16 some of them.</p> <p>17 Q. Did you review the ones that were</p> <p>18 submitted on behalf of CISA?</p> <p>19 A. Yeah, those would have been the</p> <p>20 only ones I reviewed.</p> <p>21 Q. Before the break, you mentioned</p> <p>22 that there were about 200 e-mails that CISA</p> <p>23 forwarded to serve this switchboarding function</p> <p>24 of routing disinformation concerns to the social</p> <p>25 media platforms in 2020; right?</p> | <p>1 THE WITNESS: Okay.</p> <p>2 BY MR. SAUER:</p> <p>3 Q. Can you go to page 19 of that</p> <p>4 document? I've also got it up on the screen</p> <p>5 share.</p> <p>6 A. All right. Page 19? Okay. I'm at</p> <p>7 19.</p> <p>8 Q. In here, at the bottom of page 19,</p> <p>9 you see where it says: CISA, colon?</p> <p>10 A. Yes.</p> <p>11 Q. It's identifying people with</p> <p>12 relevant communications response to our</p> <p>13 discovery requests.</p> <p>14 CISA has identified the following</p> <p>15 custodians as having relevant communications as</p> <p>16 produced in the response to requests two and</p> <p>17 three; correct? Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. CISA custodians listed are Jen</p> <p>20 Easterly, Christopher Krebs, Matt Masterson,</p> <p>21 Geoff Hale, Brian Scully, and Lauren Protentis;</p> <p>22 right?</p> <p>23 A. Yep.</p> <p>24 Q. So these other people, Chad Josiah,</p> <p>25 Rob Schaul, Alex Zaheer, John Stafford, Pierce</p> |
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| <p>1 A. Yeah, give or take a few. I don't</p> <p>2 know the exact number, but it's about 200.</p> <p>3 Q. How do you know how many there</p> <p>4 were.</p> <p>5 A. Well, as I mentioned previously, we</p> <p>6 kept a tracking spreadsheet. Everything we sent</p> <p>7 over we logged.</p> <p>8 Q. Would you consult that tracking</p> <p>9 spreadsheet when you were preparing or working</p> <p>10 on responding to written discovery in this case?</p> <p>11 A. I don't recall that I did, it's</p> <p>12 possible, but I don't recall doing it.</p> <p>13 (Exhibit No. 12 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. SAUER:</p> <p>16 Q. Let me show you Exhibit 12.</p> <p>17 A. Okay. That's a complaint.</p> <p>18 Q. It should be amended interrogatory</p> <p>19 responses that have also been filed publicly</p> <p>20 with the Court as document 86-3?</p> <p>21 MR. GARDNER: I'd like to take a</p> <p>22 look. Hold on.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 MR. GARDNER: Hold on one sec.</p> <p>25 Yeah, that's right. That's right.</p> | <p>1 Lowary, who were involved in forwarding e-mails</p> <p>2 to social media platforms to flag them, were not</p> <p>3 disclosed in this part of the interrogatories;</p> <p>4 correct?</p> <p>5 A. I think if you scroll down another</p> <p>6 paragraph, you would see most of those names.</p> <p>7 Q. Yeah, that's extremely interesting,</p> <p>8 isn't it? Very next paragraph it says, oh,</p> <p>9 we've also identified some other people as</p> <p>10 appearing in the communications you produced,</p> <p>11 and it lists four of those five people, Chad</p> <p>12 Josiah, Robert Schaul, Alex Zaheer, John</p> <p>13 Stafford; right?</p> <p>14 A. Yes, that's who is listed there.</p> <p>15 Q. It appears --</p> <p>16 A. I don't know that that's</p> <p>17 interesting.</p> <p>18 Q. It's interesting that CISA knew</p> <p>19 about the involvement of these people and</p> <p>20 relevant communications, but didn't search their</p> <p>21 inboxes in response to our discovery requests;</p> <p>22 isn't that what this indicates?</p> <p>23 A. I have no idea what this indicates.</p> <p>24 Q. Well, let me ask you this: You</p> <p>25 testified before the break that those four</p> |

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|--|---|
| <p style="text-align: right;">Page 193</p> <p>1 people there, plus Pierce Lowary, who you just 2 disclosed, all forwarded disinformation reports 3 to social media platforms as part of the 4 switchboarding function; isn't that right? 5 A. They were all part of the 6 switchboarding function. I don't know who sent 7 e-mails or how many e-mails or any of that. 8 Q. But you testified that they took 9 shifts and sent e-mails to social media 10 platforms reporting this information; correct? 11 A. They took shifts, and if they 12 received something they would have sent an 13 e-mail. But without going through the 14 spreadsheet that I mentioned I wouldn't know if 15 an actual individual was on a shift, sent one, 16 but that would be my expectation that they did. 17 Q. What was the last -- 18 A. There were generally two people 19 per -- there were generally two people per 20 shift, so it's possible that just one of those 21 two people were sending e-mails. 22 Q. Pierce Lowary is not identified 23 anywhere in these discovery responses, is he? 24 A. I mean, he's not identified in 25 these. This is a small section. I don't know</p> | <p style="text-align: right;">Page 195</p> <p>1 identification.) 2 BY MR. SAUER: 3 Q. Here's Jack -- 4 A. Is it the -- sorry, go ahead. 5 Q. This is Jack Cable's publicly 6 available online LinkedIn profile; do you see 7 that? 8 A. I do. 9 Q. If you scroll down, a fifth page of 10 this document, it looks like he was a research 11 assistant at Stanford Internet Observatory from 12 2019 to 2021; correct? 13 A. That's what it says, yep. 14 Q. And that he ended in June of 2021, 15 correct, at SIO? 16 A. That's what it says, yeah. 17 Q. And immediately below that, it 18 looks like he was an election security technical 19 advisor at CISA from June 2020 to January 2021; 20 correct? 21 A. That's what he says. 22 Q. So he also overlapped, for an 23 entire year, in working simultaneously for CISA 24 and for the SIO; correct? 25 MR. GARDNER: Objection, lack of</p> |
| <p style="text-align: right;">Page 194</p> <p>1 if he is elsewhere. 2 Q. Well, you said you reviewed them 3 when they were being prepared. Do you remember 4 seeing his name anywhere -- anywhere in the 5 government's discovery responses? 6 A. I don't recall, but I wouldn't 7 have -- I don't think I would have reviewed the 8 entire document, so I don't know. 9 Q. Who would have -- 10 A. Obviously, I didn't see the final 11 document. 12 Q. Who would have reviewed the final 13 document? 14 MR. GARDNER: Objection, calls for 15 speculation. 16 BY MR. SAUER: 17 Q. If you know. 18 A. Yeah, I don't know. 19 MR. SAUER: Exhibit 62, which I've 20 also e-mailed you. 21 MR. GARDNER: John, did you say 62? 22 MR. SAUER: 62, should be the most 23 recent one in your inbox. 24 THE WITNESS: Okay. Okay. 25 (Exhibit No. 62 was marked for</p> | <p style="text-align: right;">Page 196</p> <p>1 foundation. 2 BY MR. SAUER: 3 Q. According to his LinkedIn profile? 4 MR. GARDNER: Same objection. 5 A. LinkedIn profile says he worked at 6 CISA for eight months. 7 (Reporter admonition.) 8 THE WITNESS: Sorry. 9 A. The LinkedIn profile said he worked 10 at CISA for eight months. 11 Q. Right. Does the LinkedIn profile 12 also indicate that during those same eight 13 months, from June of 2020 to January of 2021, he 14 also was an intern -- a research assistant at 15 Stanford? 16 A. It appears that way, yep. 17 Q. Were you aware that Jack Cable was 18 working for Stanford Internet Observatory while 19 he was also interning for CISA? 20 A. No. Jack didn't work for me, so I 21 didn't really pay attention to what he was 22 doing. 23 Q. He shares this simultaneous 24 employment with SIO and CISA, along with Alex 25 Zaheer and Pierce Lowary; correct?</p> |

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|---|---|
| <p>1 MR. GARDNER: Objection, lack of</p> <p>2 foundation.</p> <p>3 BY MR. SAUER:</p> <p>4 Q. Correct?</p> <p>5 A. I'm sorry, could you repeat the</p> <p>6 question?</p> <p>7 Q. Pierce Lowary and Alex Zaheer also</p> <p>8 simultaneously worked for CISA and SIO; correct?</p> <p>9 A. They did.</p> <p>10 Q. And then, if you scroll up a little</p> <p>11 bit, to the page before, it looks like he went</p> <p>12 on to work for the Krebs-Stamos Group; were you</p> <p>13 aware of that?</p> <p>14 A. No, I don't think so.</p> <p>15 Q. And then he went on to work for the</p> <p>16 senate; correct? Does that ring a bell?</p> <p>17 A. I mean, it's what it says here.</p> <p>18 Q. So you didn't know what Jack Cable</p> <p>19 went on to do after he left CISA?</p> <p>20 A. No, I didn't really pay attention</p> <p>21 to what -- like I said, he didn't work for me,</p> <p>22 so I didn't really follow him. In fact, I'm --</p> <p>23 a couple of my interns I'm not sure what they're</p> <p>24 doing, either.</p> <p>25 Q. Let's go back to Exhibit 9.</p> | <p>1 realize it wasn't up. Can you see it on the</p> <p>2 screen share?</p> <p>3 MR. GARDNER: Yeah, we got it now.</p> <p>4 Thank you.</p> <p>5 BY MR. SAUER:</p> <p>6 Q. Alex Zaheer, on October 30th, sends</p> <p>7 an e-mail to CFITF; correct?</p> <p>8 A. Yep.</p> <p>9 Q. And he's actually --</p> <p>10 A. Yes.</p> <p>11 Q. He says: FYSA, EIP has reported</p> <p>12 the following to EI-ISAC and Twitter from EIP,</p> <p>13 and then he reports on an EIP ticket; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then this -- you responded to</p> <p>16 him, Thanks Alex; do you see that on the page</p> <p>17 before?</p> <p>18 A. Yes.</p> <p>19 Q. And then you sent an e-mail, it's</p> <p>20 not clear to whom, saying: FYI, the EIP,</p> <p>21 submitted the below to Twitter, no need to</p> <p>22 respond. But it looks like you were saying that</p> <p>23 to Twitter; right?</p> <p>24 A. Yeah, there's no header there, so</p> <p>25 I'm not certain, but that's what it appears.</p> |
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| <p>1 Is it possible that Jack Cable was</p> <p>2 another one of the interns who originated the</p> <p>3 EIP? You mentioned there's one, and you're not</p> <p>4 sure if it was them?</p> <p>5 MR. GARDNER: Objection, calls for</p> <p>6 speculation.</p> <p>7 A. Yeah, I wouldn't know. I wouldn't</p> <p>8 know.</p> <p>9 Q. Let's go to page 8769 in this</p> <p>10 document, Exhibit 9.</p> <p>11 A. Do you know what the PDF page is,</p> <p>12 John?</p> <p>13 Q. I'm scrolling down to it, so I'll</p> <p>14 tell you as soon as I know the answer.</p> <p>15 A. Okay.</p> <p>16 Q. I think it's PDF page 62.</p> <p>17 A. All right.</p> <p>18 Q. All right. If you see here, it</p> <p>19 looks like Alex Zaheer, on October 30th, sends a</p> <p>20 report about misinformation to CFITF, which is</p> <p>21 the CISA reporting e-mail address; correct?</p> <p>22 MR. GARDNER: John, I'm sorry, are</p> <p>23 you going to post this on the -- on the live</p> <p>24 screen for us?</p> <p>25 MR. SAUER: I'm sorry, I didn't</p> | <p>1 Q. It appears that from your intern,</p> <p>2 who was simultaneously working for EIP, you</p> <p>3 received a report of alleged misinformation and</p> <p>4 submitted it onto Twitter; right?</p> <p>5 A. Yeah.</p> <p>6 Q. And then -- and that was an</p> <p>7 EIP-specific report; correct?</p> <p>8 A. Yep.</p> <p>9 Q. And then Twitter responded and</p> <p>10 said, thanks Brian, we received that report from</p> <p>11 the EIP and escalated it; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And then she goes on to specify to</p> <p>14 you the action they took against that; correct?</p> <p>15 A. Yeah, on a contextual label</p> <p>16 pursuant to their policy on civic integrity,</p> <p>17 yeah.</p> <p>18 Q. Were there other instances where</p> <p>19 this occurred, where an EIP report was forwarded</p> <p>20 to you, and you forwarded it onto -- to a social</p> <p>21 media platform?</p> <p>22 A. As I said earlier, it's possible,</p> <p>23 but I don't recall.</p> <p>24 Q. How about --</p> <p>25 A. It was our standard practice.</p> |

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|--|--|
| <p>1 Q. How about the other five people who</p> <p>2 were monitoring these misinformation reporting</p> <p>3 e-mails, did they ever review that, do you know?</p> <p>4 MR. GARDNER: Objection, calls for</p> <p>5 speculation.</p> <p>6 A. Yeah, I don't know. Again, it</p> <p>7 wasn't part of our normal process, so I'm not</p> <p>8 sure.</p> <p>9 Q. Would that be reflected in this</p> <p>10 spreadsheet you referred to multiple times?</p> <p>11 A. Yeah, it should be.</p> <p>12 Q. So if there was -- if the EIP is</p> <p>13 referenced or is the originator of the report</p> <p>14 you would note that in the spreadsheet?</p> <p>15 A. I believe so. I believe we would</p> <p>16 have the case number.</p> <p>17 Q. Can you scroll back up to page 33</p> <p>18 of the PDF?</p> <p>19 A. Yep.</p> <p>20 Q. It's Bates 8349.</p> <p>21 A. 8349, yep.</p> <p>22 Q. You see at the top of this page</p> <p>23 there's a misinformation report from Oregon,</p> <p>24 that's being sent on by the CIS, Center For</p> <p>25 Internet Security, reporting e-mail; do you see</p> | <p>1 tips@2020partnership e-mail?</p> <p>2 A. I'm not sure that I paid that much</p> <p>3 attention to it, no.</p> <p>4 Q. You didn't notice --</p> <p>5 A. Again, yeah, I wasn't -- I guess</p> <p>6 that I wasn't aware of what processes they were</p> <p>7 following.</p> <p>8 Q. So you didn't know they were</p> <p>9 looping in the EIP on their reports; is that</p> <p>10 what you're saying?</p> <p>11 A. I don't recall it, but again, as we</p> <p>12 discussed earlier, it could have been part of</p> <p>13 the effort to deconflate for the platforms.</p> <p>14 Q. Up here on page 51 of the PDF,</p> <p>15 scrolling to the bottom of that page down to 52,</p> <p>16 here's another CIS report. Once again, it's</p> <p>17 sent to you at -- to CISA e-mails and</p> <p>18 tips@2020partnership@atlassian.net; correct?</p> <p>19 A. Yeah, I see the e-mail address in</p> <p>20 there.</p> <p>21 Q. And you don't recall that being --</p> <p>22 you getting copied -- that being copied on</p> <p>23 e-mails of this nature?</p> <p>24 A. I don't.</p> <p>25 Q. Really briefly, jumping ahead to</p> |
| Page 202 | Page 204 |
| <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. And it's sent to you and a couple</p> <p>4 other CISA e-mails or -- CISA e-mails, there in</p> <p>5 the first line; right?</p> <p>6 A. Yep.</p> <p>7 Q. In the second line it's sent to</p> <p>8 tips@2020partnership.atlassian.net; do you see</p> <p>9 that?</p> <p>10 A. I do.</p> <p>11 Q. What is that?</p> <p>12 A. I don't know.</p> <p>13 Q. Is that the reporting e-mail for</p> <p>14 tips to the 2020 Election Integrity Partnership?</p> <p>15 MR. GARDNER: Objection, calls for</p> <p>16 speculation, also, asked and answered.</p> <p>17 A. Yeah, I don't know what it is.</p> <p>18 Q. Is it your testimony that you're</p> <p>19 not aware whether or not that's the reporting</p> <p>20 e-mail for the EIP?</p> <p>21 A. Yeah, I'm not aware -- the answer</p> <p>22 is, I'm not aware of what e-mail that is.</p> <p>23 Q. Were you aware that -- did you</p> <p>24 notice that CIS was commonly forwarding these</p> <p>25 reports to both you and that</p> | <p>1 page 10539, page 55, once again, CIS is copying</p> <p>2 you and tips@2020partnership.atlassian.net;</p> <p>3 correct?</p> <p>4 A. That's the e-mail, yes.</p> <p>5 Q. Jumping ahead to page 7565, here's</p> <p>6 a report from the Colorado secretary of state's</p> <p>7 office. Do you see, we're on page 59 of the</p> <p>8 PDF, where they're reporting it to EI-ISAC,</p> <p>9 CISA, and Stanford Partners; correct?</p> <p>10 A. That's what the e-mail says, yep.</p> <p>11 Q. It says Stanford is presumably --</p> <p>12 MR. GARDNER: Objection, calls for</p> <p>13 speculation.</p> <p>14 A. Yeah, I don't know what they mean</p> <p>15 by Stanford.</p> <p>16 Q. Do you think Stanford might be some</p> <p>17 other Stanford entity to which state and local</p> <p>18 election officials are reporting disinformation</p> <p>19 concerns --</p> <p>20 MR. GARDNER: Objection.</p> <p>21 BY MR. SAUER:</p> <p>22 Q. -- during the 2020 cycle?</p> <p>23 MR. GARDNER: Objection, calls for</p> <p>24 speculation, lacks foundation.</p> <p>25 ///</p> |

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|--|---|
| <p>1 BY MR. SAUER:</p> <p>2 Q. Do you know?</p> <p>3 A. I don't know.</p> <p>4 Q. Scrolling above this, again, CIS</p> <p>5 forwards this to you and tips2020partnership,</p> <p>6 that reporting e-mail or that e-mail address;</p> <p>7 correct?</p> <p>8 A. Are you up on -- what page are you</p> <p>9 on now?</p> <p>10 Q. Page 58 of the PDF, immediately</p> <p>11 above, shows CIS forwarding that report from</p> <p>12 Colorado secretary of state's office to both you</p> <p>13 and tips@2020partnership.atlassian.net?</p> <p>14 A. So Colorado sends to CIS, CIS sends</p> <p>15 to me, CISA, and atlassian.net, okay.</p> <p>16 Q. And you forward this onto -- to</p> <p>17 Twitter; correct, immediately above that?</p> <p>18 A. So again, there's no header, but</p> <p>19 the response is from Twitter, so that's what I</p> <p>20 assume.</p> <p>21 Q. And you -- they say -- you say:</p> <p>22 Please see below reporting from Colorado. These</p> <p>23 do not appear to be connected to the imposter</p> <p>24 parody accounts previously shared; correct?</p> <p>25 A. Correct.</p> | <p>1 things that the FBI and CISA warned us may</p> <p>2 warrant reporting; right?</p> <p>3 A. I mean, I don't want to speak for</p> <p>4 the secretary of state, but that's kind of how</p> <p>5 the account sentence reads.</p> <p>6 Q. Did you -- in fact, were you</p> <p>7 involved in warning state and local election</p> <p>8 officials about impersonation accounts spreading</p> <p>9 false information about the election?</p> <p>10 A. I'm sure I would have reviewed a</p> <p>11 document that went out along those lines. I'm</p> <p>12 not aware of the document, but I'm sure if it</p> <p>13 went out I would have reviewed it.</p> <p>14 Q. Do you remember reviewing it?</p> <p>15 A. They put out -- in 2020 we put out</p> <p>16 a couple of joint FBI and CISA products. I</p> <p>17 don't remember specifically which one this is,</p> <p>18 but it certainly sounds like something we would</p> <p>19 do.</p> <p>20 Q. Okay. Scrolling down, there's</p> <p>21 another one they're flagging here, that if you</p> <p>22 didn't know, it has two followers; correct?</p> <p>23 A. So it appears.</p> <p>24 Q. And you forwarded that onto</p> <p>25 Twitter, and Twitter said: We'll escalate;</p> |
| Page 206 | Page 208 |
| <p>1 Q. And Twitter responds within 15</p> <p>2 minutes: We will escalate. Thank you; correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And if you scroll down a</p> <p>5 couple pages, you see that Colorado secretary of</p> <p>6 state's office has flagged some parody or</p> <p>7 imposter accounts, including one with 14</p> <p>8 followers; correct?</p> <p>9 A. What page are you on?</p> <p>10 Q. 59 of the PDF.</p> <p>11 A. 59 of the PDF? I don't see what</p> <p>12 you're talking about there. This is the same</p> <p>13 e-mail chain we were just talking about.</p> <p>14 Q. Maybe look up at the screen share,</p> <p>15 can you see where secretary of state's office</p> <p>16 has forwarded a screen shot of a Twitter</p> <p>17 account, it's got 14 followers?</p> <p>18 A. I do.</p> <p>19 Q. And secretary of state's office in</p> <p>20 Colorado says: These are concerning to us here</p> <p>21 in Colorado because of their recent FBI/CISA</p> <p>22 warnings about impersonation accounts; correct?</p> <p>23 A. That's what it says, yep.</p> <p>24 Q. So they say that we're reporting</p> <p>25 this because it -- because it's the sort of</p> | <p>1 right?</p> <p>2 A. Yes. They said they will escalate.</p> <p>3 Q. Moving onto page 10512, just a few</p> <p>4 pages down, that's going to be page 63 of the</p> <p>5 PDF.</p> <p>6 A. Okay.</p> <p>7 Q. Do you see here in the middle,</p> <p>8 here, it's an inquiry from Twitter, and she</p> <p>9 says: Hey Brian, can we talk about CIS</p> <p>10 misinformation reporting duplicate reports to</p> <p>11 EIP, possible to have just you escalate;</p> <p>12 correct?</p> <p>13 A. Yeah, that's what the e-mail says.</p> <p>14 Q. What is she talking about, is this</p> <p>15 the duplicate reporting issue that you talked</p> <p>16 about earlier, where they were getting reports</p> <p>17 from you and EIP and CIS?</p> <p>18 A. That's what I would imagine it is,</p> <p>19 yeah.</p> <p>20 Q. Okay. Do you remember anything</p> <p>21 about this? We're talking about October 27th,</p> <p>22 so, you know, maybe a week before the 2020</p> <p>23 election, do you remember the social media</p> <p>24 platform is having this concern about duplicate</p> <p>25 reports from CIS and EIP?</p> |

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|--|--|
| <p>1 A. I remember Twitter, in particular,</p> <p>2 having that concern.</p> <p>3 Our screen is screwy again.</p> <p>4 THE REPORTER: Can we go off the</p> <p>5 record?</p> <p>6 MR. SAUER: Yeah, we can go off the</p> <p>7 record.</p> <p>8 THE VIDEOGRAPHER: The time is now</p> <p>9 2:11 p.m. We're off the record.</p> <p>10 (Recess.)</p> <p>11 THE VIDEOGRAPHER: The time is now</p> <p>12 2:13 p.m. We are back on the record.</p> <p>13 BY MR. SAUER:</p> <p>14 Q. Okay. So -- and then, Mr. Scully,</p> <p>15 you responded to this: So here's the deal, EIP</p> <p>16 will only report something to Twitter if they</p> <p>17 have additional context to provided based on</p> <p>18 their research; correct?</p> <p>19 A. That's what I wrote, yes.</p> <p>20 Q. How did you know that was going to</p> <p>21 be their policy or their practice, did you talk</p> <p>22 to EIP?</p> <p>23 A. I would imagine I did.</p> <p>24 Q. Who did you talk to?</p> <p>25 A. I don't recall.</p> | <p>1 numbers were; right?</p> <p>2 A. I don't know. I don't know if</p> <p>3 that's true.</p> <p>4 Q. Were you aware that EIP was using</p> <p>5 CIS's case numbers, because you said it in this</p> <p>6 e-mail?</p> <p>7 A. Yep, I mean, if that's what I</p> <p>8 wrote, that's probably what they were doing.</p> <p>9 Q. Okay. Do you remember discussing</p> <p>10 that with CIS or EIP that they were going to,</p> <p>11 you know, kind of share case numbers?</p> <p>12 A. I don't recall any such</p> <p>13 specificity. I know we had a conversation. I</p> <p>14 recall that we had conversations about how to</p> <p>15 de-duplicate, make sure we weren't overtaxing</p> <p>16 Twitter, in particular.</p> <p>17 Q. And that de-duplication process</p> <p>18 involved some kind of coordination between you,</p> <p>19 EIP and CIS; correct?</p> <p>20 A. Again, reading this, it appears we</p> <p>21 are just making sure we are sending something</p> <p>22 over and everybody is aware of it.</p> <p>23 Q. Right. So everybody would tell</p> <p>24 everybody else that they were sending something</p> <p>25 over, and there was an attempt to avoid sending</p> |
| Page 210 | Page 212 |
| <p>1 Q. And that he goes on -- or you go on</p> <p>2 to say, they will not send Twitter reporting</p> <p>3 unless it has that additional context that would</p> <p>4 help you make a decision; correct?</p> <p>5 A. Yep.</p> <p>6 Q. And then it says: EIP will also</p> <p>7 let CISA know when they are reporting something</p> <p>8 to you so I can give you a heads up; correct?</p> <p>9 A. Yep.</p> <p>10 Q. Is that what happened after this</p> <p>11 e-mail, did EIP report to you when they were</p> <p>12 reporting something to the social media</p> <p>13 platforms?</p> <p>14 A. I don't recall that, in practice.</p> <p>15 Although, obviously, we just went through each</p> <p>16 one e-mail that did that. I don't remember it</p> <p>17 being a common thing but, again, I don't -- I</p> <p>18 don't know. It's possible.</p> <p>19 Q. Okay. And then it says: EIP will</p> <p>20 continue to use the CIA -- CIS case number to</p> <p>21 facilitate identifying duplicative reports;</p> <p>22 correct?</p> <p>23 A. Yep.</p> <p>24 Q. So EIP was talking to CIS enough to</p> <p>25 know what CIS's misinformation reporting case</p> | <p>1 duplicative reports to Twitter?</p> <p>2 MR. GARDNER: Objection, compound.</p> <p>3 BY MR. SAUER:</p> <p>4 Q. Correct?</p> <p>5 A. Yeah, can you -- can you break</p> <p>6 that -- can you start that over again?</p> <p>7 Q. Was there an agreement for EIP and</p> <p>8 CIS and CISA to coordinate and let each other</p> <p>9 know what they were reporting to platforms like</p> <p>10 Twitter?</p> <p>11 A. I think that's generally right,</p> <p>12 yeah.</p> <p>13 MR. SAUER: Let me send you a</p> <p>14 couple more exhibits, 10 and 11. I'm going to</p> <p>15 pull up 10 on the screen share while you're</p> <p>16 waiting.</p> <p>17 MR. GARDNER: John, do you -- John,</p> <p>18 did you send them over?</p> <p>19 MR. SAUER: Yeah. They should be</p> <p>20 in your inbox.</p> <p>21 MR. GARDNER: Yeah, I'm looking.</p> <p>22 MR. SAUER: They're in my sent box.</p> <p>23 MR. GARDNER: Okay. I believe you.</p> <p>24 Hold on.</p> <p>25 (Exhibit No. 10 was marked for</p> |

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|---|---|
| <p>1 identification.)</p> <p>2 BY MR. SAUER:</p> <p>3 Q. Let me ask this: Can you see it on</p> <p>4 the screen share?</p> <p>5 A. I can.</p> <p>6 MR. GARDNER: You haven't shared it</p> <p>7 yet, John.</p> <p>8 THE WITNESS: Trick question.</p> <p>9 BY MR. SAUER:</p> <p>10 Q. Now can you see it on the screen</p> <p>11 share?</p> <p>12 A. Yes.</p> <p>13 Q. Just looking here at the first</p> <p>14 page, you know, this exhibit is a collection of</p> <p>15 your switchboarding e-mails from November of</p> <p>16 2020, do you see you, are copied here on</p> <p>17 misinformation report from CIS on November 2nd</p> <p>18 of 2020?</p> <p>19 A. Yes.</p> <p>20 Q. Once again, CIS continues to copy</p> <p>21 tips@2020partnership.atlassian.net; do you see</p> <p>22 that?</p> <p>23 A. I do.</p> <p>24 Q. Does that ring a bell for you about</p> <p>25 what that e-mail is, after we talked about that</p> | <p>1 Q. Do you see @FBI, if you look on the</p> <p>2 screen share, @FBI.gov?</p> <p>3 MR. GARDNER: Same objections.</p> <p>4 BY MR. SAUER:</p> <p>5 Q. With the handle omitted, three</p> <p>6 e-mails?</p> <p>7 A. Okay.</p> <p>8 Q. Were you aware of the FBI being</p> <p>9 involved in receiving misinformation reports</p> <p>10 from state and local elections officials?</p> <p>11 A. Generally speaking, we tell</p> <p>12 election officials to report what they saw to</p> <p>13 either DHS or the FBI, and it would end up where</p> <p>14 it needed to be.</p> <p>15 Q. So you told them to report it to</p> <p>16 either DHS or the FBI?</p> <p>17 A. Correct.</p> <p>18 Q. Who at the FBI was receiving those</p> <p>19 kinds of reports?</p> <p>20 A. I don't know. I think it --</p> <p>21 Q. Go ahead.</p> <p>22 A. Generally speaking, the FBI has</p> <p>23 field offices, and so the idea was if they</p> <p>24 were -- election officials had established</p> <p>25 relationships with the FBI field office and the</p> |
| Page 214 | Page 216 |
| <p>1 last e-mail, where you were arranging to</p> <p>2 coordinate with EIP about de-duplicating reports</p> <p>3 to social media platforms?</p> <p>4 A. I forget. I don't recall the</p> <p>5 e-mail. If you tell me that that was the tips</p> <p>6 for the 2020 EIP I would believe you.</p> <p>7 Q. Okay. Let me scroll down a page to</p> <p>8 Bates 13603.</p> <p>9 A. What page was that? I'm sorry.</p> <p>10 Q. Bates 13603, 10 of the PDF.</p> <p>11 A. Okay.</p> <p>12 Q. You see here there's a report from</p> <p>13 the Iowa secretary of state's office on November</p> <p>14 2nd, that's sent to CIS; do you see that?</p> <p>15 A. Just scrolling through it, sorry.</p> <p>16 Give me a second. Yes.</p> <p>17 Q. And then it looks like the Iowa</p> <p>18 secretary of state's office also sent this to</p> <p>19 three FBI e-mail addresses; right, with the</p> <p>20 recipients redacted, FBI number two, FBI number</p> <p>21 three, and FBI number four; correct?</p> <p>22 MR. GARDNER: Lack of -- objection,</p> <p>23 lack of foundation.</p> <p>24 A. I don't see the e-mail addresses</p> <p>25 you're referring to.</p> | <p>1 elections coordinator in that office, and that's</p> <p>2 where they wanted to report it, that they could</p> <p>3 do so.</p> <p>4 Q. So there was -- these FBI officials</p> <p>5 tended to be FBI field officers -- officers?</p> <p>6 A. I don't want to speculate, but --</p> <p>7 but again, that was, you know, us trying to --</p> <p>8 to help the election officials, just if they had</p> <p>9 something they needed to report, if they had as</p> <p>10 many different options to do that as possible.</p> <p>11 Q. Okay. Do you know what FBI did</p> <p>12 with its misinformation reports, was it</p> <p>13 switchboarding them like you guys were doing?</p> <p>14 A. I don't know, to be honest.</p> <p>15 Q. Is that notion that you could</p> <p>16 forward things to the FBI, is that something</p> <p>17 that was discussed in those USG</p> <p>18 industry-specific meetings you talked about?</p> <p>19 A. I -- not that I recall, but it's</p> <p>20 possible we -- we talked to them about the</p> <p>21 guidance we gave to election officials, that</p> <p>22 election officials could it either way, but I</p> <p>23 don't recall specific conversations along those</p> <p>24 lines.</p> <p>25 Q. Can you scroll down to the page 27</p> |

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|---|--|
| <p>1 of the PDF.</p> <p>2 A. Let's go. Okay.</p> <p>3 Q. If you look here, kind of at the</p> <p>4 bottom of this text chain, Aaron Wilson, he's</p> <p>5 your contact at CIS; right?</p> <p>6 A. Correct.</p> <p>7 Q. And he's forwarding something to --</p> <p>8 November 3rd, with a report about alleged</p> <p>9 election misinformation; right?</p> <p>10 A. Well, poll worker Erie PA says</p> <p>11 announces on Instagram they will throw away</p> <p>12 Pro-Trump votes, that's what you're talking</p> <p>13 about?</p> <p>14 Q. Yeah.</p> <p>15 A. That's the subject of the e-mail.</p> <p>16 Q. He uses the EIP case number for</p> <p>17 this report; correct?</p> <p>18 A. He does.</p> <p>19 Q. And he sent it to CISA at the CFITF</p> <p>20 e-mail; correct?</p> <p>21 A. He does, correct.</p> <p>22 Q. And the CFITF e-mail forwards it to</p> <p>23 you, and you forward it to Matt Masterson at</p> <p>24 Facebook; correct?</p> <p>25 A. No, that's not correct. I -- Matt</p> | <p>1 poll worker, or B, that he did not, in fact,</p> <p>2 destroy ballots or at least there's no evidence</p> <p>3 he did.</p> <p>4 So Facebook asked you, Brian Scully</p> <p>5 and Matt Masterson, for that clarification;</p> <p>6 right?</p> <p>7 A. They did.</p> <p>8 Q. Yeah, and then you responded: Not</p> <p>9 sure I understand the distinction you're trying</p> <p>10 to make, but both components of the narrative</p> <p>11 are false. The person is not a poll worker and</p> <p>12 no ballots were destroyed. I suppose that makes</p> <p>13 the entire thing a hoax; correct?</p> <p>14 A. Yeah, that was my response.</p> <p>15 Q. What was your basis for concluding</p> <p>16 that both components of the narrative were</p> <p>17 false?</p> <p>18 A. I believe the statements from</p> <p>19 Pennsylvania. I assume if you have that</p> <p>20 document we can take a look and confirm.</p> <p>21 Q. You read the statement from</p> <p>22 Pennsylvania and reported its content back to</p> <p>23 Facebook?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. Did you -- did that happen</p> |
| Page 218 | Page 220 |
| <p>1 was still at CISA at the time. I forwarded it</p> <p>2 to Saleela Salahuddin at Facebook.</p> <p>3 Q. Copying Matt Masterson?</p> <p>4 A. I'm sorry?</p> <p>5 Q. Copying Matt Masterson?</p> <p>6 A. Yeah, who was at CISA. You said he</p> <p>7 was at Facebook. I just wanted to make sure</p> <p>8 that that was clear that he was still --</p> <p>9 Q. I'm sorry, I meant to say and</p> <p>10 Facebook, not at Facebook?</p> <p>11 A. Gotcha.</p> <p>12 Q. And then Facebook came back to you</p> <p>13 for clarification; right? Do you recall that?</p> <p>14 A. So we -- sorry, go ahead.</p> <p>15 Q. Go ahead, what were you going to</p> <p>16 say?</p> <p>17 A. I said, just to be clear, we</p> <p>18 forwarded the statement from Pennsylvania about</p> <p>19 that incident to Facebook and Matt Masterson.</p> <p>20 Q. And so --</p> <p>21 A. That's what is here.</p> <p>22 Q. And they -- and it looks like</p> <p>23 Facebook asked you, could you please confirm</p> <p>24 that, A, the worker in question who was</p> <p>25 supposedly destroying Pro-Trump ballots is not a</p> | <p>1 from time to time, where you wouldn't just</p> <p>2 forward the disinformation concern, but then you</p> <p>3 would provide, you know, information that would</p> <p>4 help debunk it through the social media network?</p> <p>5 A. I think I frame it a little</p> <p>6 differently, if social media platforms needed</p> <p>7 additional information from an election official</p> <p>8 we would try to support that. There was also</p> <p>9 one time when I believe it was Facebook had a</p> <p>10 question about DHS immigration and customs</p> <p>11 enforcement having agents going places where we</p> <p>12 also provided a response back on a specific</p> <p>13 piece.</p> <p>14 But generally speaking, we would do</p> <p>15 what we did here, which is if the -- if the</p> <p>16 jurisdiction made a public statement or if there</p> <p>17 was additional information the jurisdiction</p> <p>18 could provide, and the platforms asked for it,</p> <p>19 that we would try to facilitate getting the</p> <p>20 information they asked for.</p> <p>21 Q. Did you merely relay that</p> <p>22 information, the sort of debunking information</p> <p>23 from the election official, would you sometimes</p> <p>24 find it on your own and helpfully supply it to</p> <p>25 the social media platform?</p> |

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|--|---|
| <p>1 A. If it was a public statement, I'm</p> <p>2 sure we pulled it ourselves. If there was not a</p> <p>3 public statement, I would imagine we would go</p> <p>4 back to the election official.</p> <p>5 Q. But you might --</p> <p>6 A. I don't know --</p> <p>7 Q. Go ahead.</p> <p>8 A. Sorry, I don't want to say that</p> <p>9 every case was exactly like that, but again, if</p> <p>10 there was a public statement that was put out by</p> <p>11 the jurisdiction, we would -- we would defer to</p> <p>12 that.</p> <p>13 Q. Did you take any steps to find</p> <p>14 out -- for example, suppose there's a public</p> <p>15 statement that disputes what a private citizen</p> <p>16 has said on Facebook or Twitter, would you do</p> <p>17 further research to figure out who was telling</p> <p>18 the truth or would you just relay the official</p> <p>19 government explanation of the incident to the</p> <p>20 social media platforms?</p> <p>21 A. We would relay the -- the official</p> <p>22 statement from the jurisdiction.</p> <p>23 Q. I take it sometimes you would go</p> <p>24 find that official statement on your own, and</p> <p>25 sometimes you would reach out to the state or</p> | <p>1 Q. And here in this e-mail chain it</p> <p>2 looks like it's another situation where Twitter</p> <p>3 asked for some clarification, for example, she</p> <p>4 says, on November 6th, have Pennsylvania state</p> <p>5 officials provided initial information to you on</p> <p>6 the authenticity of the video or the</p> <p>7 circumstances under -- underpinning it; do you</p> <p>8 see that?</p> <p>9 A. I do.</p> <p>10 Q. And then you respond, scrolling</p> <p>11 back up, you say: There are two reports in the</p> <p>12 e-mail chain, and you explain what you</p> <p>13 understand what Pennsylvania is saying about the</p> <p>14 disputed information; right?</p> <p>15 A. Sorry, I'm just scrolling down to</p> <p>16 make sure I understand the context of the chain.</p> <p>17 Okay. Sorry. Could you repeat the</p> <p>18 question?</p> <p>19 Q. Sure. My question is: You</p> <p>20 provided clarification to the social media</p> <p>21 platform about what you believe the Pennsylvania</p> <p>22 reporter meant; correct?</p> <p>23 A. I don't believe that is correct.</p> <p>24 Q. Well, did you say, for example, on</p> <p>25 the authenticity Pennsylvania states in the very</p> |
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| <p>1 local jurisdiction to see if they issued a</p> <p>2 statement?</p> <p>3 A. Yeah, we would find, I think it</p> <p>4 implies that we were doing a rigorous search.</p> <p>5 Generally, we would be aware if a jurisdiction</p> <p>6 put out a statement and we would just pull it</p> <p>7 ourselves.</p> <p>8 Q. Look ahead to --</p> <p>9 A. And sometimes --</p> <p>10 Q. Go ahead.</p> <p>11 A. Sorry.</p> <p>12 Sometimes we would reach out to the</p> <p>13 jurisdiction and they would just provide the</p> <p>14 statements that they had already made public, as</p> <p>15 well.</p> <p>16 Q. Would you relay that to the social</p> <p>17 media platform?</p> <p>18 A. Yeah, if they were asking for</p> <p>19 additional information we would.</p> <p>20 Q. Here's another one, page 35 of the</p> <p>21 PDF, Bates 8663. Do you see that on the screen</p> <p>22 share?</p> <p>23 A. I'm scrolling down to it. 8663?</p> <p>24 Q. Yeah.</p> <p>25 A. Yep.</p> | <p>1 first e-mail that they believe the videos are</p> <p>2 false and we're reaching out to our partners to</p> <p>3 validate; correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And then, later that day, if</p> <p>6 you scroll up, you say: Hey, to Twitter, just</p> <p>7 came across this debunk of the video on Twitter;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then -- so you are looking</p> <p>11 around to find information that would debunk it;</p> <p>12 correct?</p> <p>13 A. I don't know if that's correct.</p> <p>14 It's possible somebody just let us know that</p> <p>15 there was something there.</p> <p>16 Q. And then 17 minutes later Twitter</p> <p>17 responds, thank you so much, we applied a label</p> <p>18 to the tweet; correct?</p> <p>19 A. Yes, that's what they said back,</p> <p>20 correct.</p> <p>21 Q. Scroll down to page 8669.</p> <p>22 A. What page of the PDF?</p> <p>23 Q. 46.</p> <p>24 A. 46?</p> <p>25 Q. Yes. And here you've got a</p> |

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|--|--|
| <p>1 misinformation report from the secretary of</p> <p>2 state of Arizona's office; do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. It says: This post is on a private</p> <p>5 Facebook page, above. I've included a screen</p> <p>6 shot; correct?</p> <p>7 A. That's what the Arizona e-mail</p> <p>8 says, yep.</p> <p>9 Q. How did they -- was that unusual</p> <p>10 for them to report statements on a private</p> <p>11 Facebook page?</p> <p>12 A. I don't -- I don't know. We didn't</p> <p>13 do any analysis of that kind.</p> <p>14 Q. Okay. So you don't know whether</p> <p>15 someone was monitoring how posts appeared on a</p> <p>16 private Facebook page containing alleged</p> <p>17 misinformation?</p> <p>18 A. I don't know how Arizona secretary</p> <p>19 of state came across that information, no.</p> <p>20 Q. Dropping ahead to page 864, now.</p> <p>21 Here at 954 --</p> <p>22 A. I'm sorry.</p> <p>23 Q. Sorry.</p> <p>24 A. 54?</p> <p>25 Q. Oh, sorry, page 54 of the PDF, yes,</p> | <p>1 BY MR. SAUER:</p> <p>2 Q. Timeframe?</p> <p>3 A. So was Twitter working on it well</p> <p>4 into the evening? I mean, I guess. Were we?</p> <p>5 Again, if somebody was checking the phone, most</p> <p>6 of the post-election stuff would have been me.</p> <p>7 We would have done something with it, but it</p> <p>8 wasn't a requirement.</p> <p>9 (Exhibit No. 11 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. SAUER:</p> <p>12 Q. And showing you Exhibit 11, which</p> <p>13 should be in your inbox.</p> <p>14 MR. GARDNER: Yeah, I think that's</p> <p>15 right.</p> <p>16 A. Okay.</p> <p>17 Q. On the last page of this PDF,</p> <p>18 there's an e-mail from Aaron Wilson?</p> <p>19 MR. GARDNER: I'm sorry, John, do</p> <p>20 you want to post it on the screen?</p> <p>21 MR. SAUER: Oh, thank you.</p> <p>22 MR. GARDNER: You don't need to, if</p> <p>23 you don't want to, I mean, we have the --</p> <p>24 MR. SAUER: I got it, I mean, I</p> <p>25 thought it was up.</p> |
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| <p>1 sorry. Actually, no, I'm sorry, that's not the</p> <p>2 right page.</p> <p>3 A. Okay.</p> <p>4 Q. No, sorry, page 59 of the PDF?</p> <p>5 A. 59? Okay.</p> <p>6 Q. Here's a chain on Tuesday, November</p> <p>7 10th, at 7:23 in the evening, you forwarded a</p> <p>8 report of information -- misinformation to</p> <p>9 Twitter; correct, at 7:23?</p> <p>10 A. Yeah, that's what appears, there's</p> <p>11 no header on the e-mail, but considering the</p> <p>12 responses is from Twitter, I assume that's who I</p> <p>13 sent it to.</p> <p>14 Q. And Twitter responds in two</p> <p>15 minutes, we will escalate; right?</p> <p>16 A. Yep.</p> <p>17 Q. And then Twitter responds here a</p> <p>18 few minutes later, after midnight, at 12:11</p> <p>19 a.m., hey, we labeled all the tweets except two;</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. So Twitter was working on this well</p> <p>23 into the evening, along with -- were you guys</p> <p>24 doing that well into the evening?</p> <p>25 MR. GARDNER: Objection, compound.</p> | <p>1 BY MR. SAUER:</p> <p>2 Q. Last -- see it, last page of the</p> <p>3 PDF, there's a report from CIS.</p> <p>4 A. Yeah.</p> <p>5 Q. Actually, this is, interestingly, a</p> <p>6 report from CIS to Gwinnet County; right? Where</p> <p>7 they say: Hi Kristi, the EI-ISAC and our</p> <p>8 partners at the Election Integrity Partnership</p> <p>9 are tracking a social media post that's getting</p> <p>10 traction very quickly; right?</p> <p>11 A. Yes, that's what the e-mail reads,</p> <p>12 yeah.</p> <p>13 Q. So this is a situation where the</p> <p>14 reporting was actually originated by CIS or EIP</p> <p>15 or actually, according to this e-mail, both of</p> <p>16 them. They're the ones who noticed the</p> <p>17 misinformation, online, first; right?</p> <p>18 MR. GARDNER: Objection to form.</p> <p>19 BY MR. SAUER:</p> <p>20 Q. Correct?</p> <p>21 A. That's what -- that's what the</p> <p>22 e-mail appears to say, yeah.</p> <p>23 Q. And they reached out, you know,</p> <p>24 proactively to Gwinnett County asking them to</p> <p>25 debunk it; right?</p> |

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|---|---|
| <p>1 A. Yeah, they're just trying to get</p> <p>2 what was actually going on, yeah.</p> <p>3 Q. Yeah, they say: We're tracking a</p> <p>4 social media post that's gaining traction very</p> <p>5 quickly. It's likely a misunderstanding, but</p> <p>6 being portrayed as a nefarious act. If you can</p> <p>7 clarify for us what is being shown, if it even</p> <p>8 happened, we can work with the social media</p> <p>9 platforms to try to have the post removed as</p> <p>10 misinformation; correct?</p> <p>11 A. Yeah, that's what he wrote.</p> <p>12 Q. And then Gwinnett County comes back</p> <p>13 with a -- a -- an explanation of the post;</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And that's forwarded to Twitter by</p> <p>17 CIS, along with their explanation; correct?</p> <p>18 Well, actually, before they report</p> <p>19 it to Twitter they report it to you; right?</p> <p>20 Here's there's an e-mail that says --</p> <p>21 A. Yeah.</p> <p>22 Q. -- Brian and EIP --</p> <p>23 A. Yes.</p> <p>24 Q. Right? So Brian --</p> <p>25 A. Yep.</p> | <p>1 Q. Then you forward this on, having</p> <p>2 received the report from CIS; right?</p> <p>3 A. Yep.</p> <p>4 Q. And then @Twitter reports back to</p> <p>5 you, and says, they labeled the tweet and are</p> <p>6 taking steps to limit trending; right?</p> <p>7 A. Yes.</p> <p>8 Q. What does that mean to take steps</p> <p>9 to limit trending; do you know?</p> <p>10 MR. GARDNER: Objection, calls for</p> <p>11 speculation.</p> <p>12 A. Yeah, I don't know. Twitter has a</p> <p>13 range of tools that they use. I couldn't</p> <p>14 possibly speculate on what they were doing here.</p> <p>15 Q. Let's put Exhibit 12 back up.</p> <p>16 These are the interrogatory</p> <p>17 responses.</p> <p>18 MR. GARDNER: Yeah, hold on one</p> <p>19 second, John. You said 12?</p> <p>20 MR. SAUER: Yeah.</p> <p>21 MR. GARDNER: Hold on one second.</p> <p>22 MR. SAUER: Go to page 38.</p> <p>23 THE WITNESS: 38.</p> <p>24 MR. SAUER: Yeah, if you would.</p> <p>25 THE WITNESS: Okay. I'm on page</p> |
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| <p>1 Q. And EIP is Election Integrity</p> <p>2 Partnership; right?</p> <p>3 A. Yep.</p> <p>4 Q. And that's what CIS says, and they</p> <p>5 sent this to --</p> <p>6 A. Yes.</p> <p>7 Q. -- your e-mail, two CISA e-mails,</p> <p>8 their own e-mail and</p> <p>9 tips@2020partnership.atlassian.net; right?</p> <p>10 A. Yep.</p> <p>11 Q. So they sent this e-mail, where</p> <p>12 they say: Brian and EIP, to you, two CISA</p> <p>13 accounts, their own account, and</p> <p>14 tips@2020partnership.atlassian.net; right?</p> <p>15 A. Yep.</p> <p>16 Q. So it appears that that</p> <p>17 tips@2020partnership e-mail is an EIP e-mail;</p> <p>18 right?</p> <p>19 MR. GARDNER: Objection, asked and</p> <p>20 answered, multiple times.</p> <p>21 BY MR. SAUER:</p> <p>22 Q. Does that refresh your memory?</p> <p>23 A. I wouldn't say refreshes my memory,</p> <p>24 but it's going on CISA or CIS e-mail there, so</p> <p>25 it's probably a reasonable assumption to make.</p> | <p>1 38, John.</p> <p>2 BY MR. SAUER:</p> <p>3 Q. Oh, sorry, I'm on page 28. My</p> <p>4 mistake.</p> <p>5 A. All right.</p> <p>6 Q. 38 asks that here, you see where it</p> <p>7 says CISA, and it says: CISA responds that</p> <p>8 meetings taking place with the social media</p> <p>9 platforms relating to misinformation include,</p> <p>10 but are not limited to, and then there's a</p> <p>11 bullet list; right?</p> <p>12 A. I think that is 38, not 28.</p> <p>13 Q. Yeah, it should be on page 38?</p> <p>14 A. Sorry. I thought you said 28. Let</p> <p>15 me get back down there.</p> <p>16 Q. Oh, I meant I was mistaken.</p> <p>17 A. Okay. So there's a table, am I</p> <p>18 looking below the table or above the table?</p> <p>19 Below the table?</p> <p>20 Q. Yeah.</p> <p>21 A. Got you. Okay.</p> <p>22 Q. Okay.</p> <p>23 A. I'm sorry, what am I looking for?</p> <p>24 Q. Were you involved in identifying</p> <p>25 meetings between CISA and social media platforms</p> |

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|---|--|
| <p>1 relating to misinformation in responding to</p> <p>2 discovery requests?</p> <p>3 A. Yes, I believe I was.</p> <p>4 Q. What meetings did you identify?</p> <p>5 A. Certainly these, the recurring</p> <p>6 meetings listed here, that we talked about, the</p> <p>7 preparation meeting we talked about, going</p> <p>8 through the list, MDM, joint MDM working group,</p> <p>9 I think I missed -- those are the ones I would</p> <p>10 have identified.</p> <p>11 Q. Start with the first one, first</p> <p>12 bullet point, a recurring meeting usually</p> <p>13 entitled USG industry meeting, which has</p> <p>14 generally had a monthly cadence; right?</p> <p>15 A. Yep.</p> <p>16 Q. And that is the one that you refer</p> <p>17 to as the sync meeting between industry and</p> <p>18 social media platforms; correct? I'm sorry,</p> <p>19 industry --</p> <p>20 A. Right. Yes, that's correct.</p> <p>21 Q. And you list there, I think seven</p> <p>22 or eight social media platforms, and the</p> <p>23 response, Google, Facebook, Twitter, Reddit,</p> <p>24 Microsoft, and then Verizon Media, Pinterest,</p> <p>25 LinkedIn and Wiki Media Foundation; correct?</p> | <p>1 that say we're having, speaking along those</p> <p>2 lines, the other federal partners, if they had</p> <p>3 any, again, kind of strategic, unclassified.</p> <p>4 Intelligence reporting that they felt was</p> <p>5 relevant, they might share that. And then the</p> <p>6 platforms, I don't know what they were sharing</p> <p>7 generally. I don't -- probably just general</p> <p>8 trends that they might be seeing on the</p> <p>9 platforms, but I don't recall specifically what</p> <p>10 they talked about.</p> <p>11 Q. And all these things that they</p> <p>12 share are related to election misinformation and</p> <p>13 misinformation on social media platforms?</p> <p>14 A. No. It also included cyber</p> <p>15 security, in fact, I would say most of it -- I</p> <p>16 wouldn't say most of it -- a lot of it was cyber</p> <p>17 security. And then there was a little bit on</p> <p>18 any physical threats that were occurring.</p> <p>19 Q. So that -- that's if someone was</p> <p>20 actually threatening poll workers, something</p> <p>21 like that?</p> <p>22 A. Correct.</p> <p>23 Q. And so in addition to physical</p> <p>24 threats, there were cyber security and issues</p> <p>25 related to misinformation and disinformation?</p> |
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| <p>1 A. Right, that's correct.</p> <p>2 Q. And when you say this generally has</p> <p>3 a -- had a monthly cadence, in fact, far away</p> <p>4 from elections it was only quarterly, and then</p> <p>5 it became monthly close to elections, and became</p> <p>6 weekly before the 2020 election; right?</p> <p>7 A. I would say from summer of 2018 to</p> <p>8 2020 they were -- to early 2020 they were</p> <p>9 quarterly. Sometime in 2020 they became monthly</p> <p>10 and then as we got closer to the election in</p> <p>11 2020 they became weekly.</p> <p>12 Q. Why did they become weekly close to</p> <p>13 the election?</p> <p>14 A. They were mostly just touch points</p> <p>15 in case anything kind of popped up. Those are</p> <p>16 much less formal than the monthly ones. We</p> <p>17 didn't have an agenda for those, just an</p> <p>18 opportunity for folks to share, if they had any</p> <p>19 questions or anything like that.</p> <p>20 Q. What sort of stuff did folks share</p> <p>21 in these weekly touch point meetings?</p> <p>22 A. So from a CISA perspective, we</p> <p>23 generally provide updates on any election</p> <p>24 security-related issues. So if -- you know, if</p> <p>25 there were any administrative kind of problems</p> | <p>1 A. Correct.</p> <p>2 Q. Is anything else discussed in these</p> <p>3 meetings?</p> <p>4 A. I mean, I think those are the</p> <p>5 main -- main topics that I recall.</p> <p>6 Q. Was -- was the risk of hack and</p> <p>7 leak operations or hack and dump operations</p> <p>8 discussed in these meetings?</p> <p>9 A. I don't -- I don't recall a</p> <p>10 specific incident of that, but it's definitely</p> <p>11 possible. It's a tactic that had been used in</p> <p>12 the past.</p> <p>13 Q. Did you remember you raising</p> <p>14 concerns about hack and leak operations?</p> <p>15 A. Me, personally, I don't recall</p> <p>16 myself raising that, but it's possible.</p> <p>17 Q. How about -- how about Laura</p> <p>18 Dehmlow, did she ever raise that, discuss hack</p> <p>19 and leak operations?</p> <p>20 A. Again, I don't know. It was a</p> <p>21 tactic that had been used globally, previously.</p> <p>22 So it wouldn't surprise me if there was some</p> <p>23 discussion of that somewhere in these meetings.</p> <p>24 Q. Do you remember anyone on the</p> <p>25 government side discussing it?</p> |

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|--|--|
| <p>1 A. Not specifically, no.</p> <p>2 Q. How about on the industry side,</p> <p>3 anyone from the social media platforms</p> <p>4 discussing hack and leak operations?</p> <p>5 A. Yeah, unfortunately, I just don't</p> <p>6 have that kind of recollection of conversations.</p> <p>7 So no, I don't specifically remember that.</p> <p>8 Again, it's possible, and I wouldn't be</p> <p>9 surprised.</p> <p>10 Q. How about Elvis Chan, you know who</p> <p>11 he is; right?</p> <p>12 A. I do.</p> <p>13 Q. Did he ever -- do you remember him</p> <p>14 ever talking about hack and leak issues in these</p> <p>15 meetings in 2020?</p> <p>16 A. Again, I don't have any specific</p> <p>17 recollection of that, but it's always possible,</p> <p>18 for sure.</p> <p>19 Q. How about Matt Masterson?</p> <p>20 A. Same answer, you know, it's</p> <p>21 possible, but I don't recall specific</p> <p>22 conversations.</p> <p>23 Q. Let me e-mail you a couple more</p> <p>24 exhibits.</p> <p>25 A. Sure.</p> | <p>1 misinformation and disinformation issues?</p> <p>2 A. Yeah, again, I don't know if that's</p> <p>3 what they called it, but that was kind of our</p> <p>4 interpretation of it. I think they used</p> <p>5 coordinated and in-authenticated or so, but I</p> <p>6 don't recall if Twitter -- if Twitter</p> <p>7 articulated it.</p> <p>8 Q. You would view those briefings in</p> <p>9 those bilateral meetings with Twitter as</p> <p>10 relating to misinformation and disinformation on</p> <p>11 social media?</p> <p>12 A. Yeah, some of that, and some of it</p> <p>13 I'm sure kind of talking him through how</p> <p>14 elections work, because a lot of education they</p> <p>15 weren't super familiar with the election</p> <p>16 administration, how they worked, and a different</p> <p>17 role and responsibility, you know, about</p> <p>18 elections. So again, we tried to educate as</p> <p>19 much as we could.</p> <p>20 Q. Were there bilateral meetings with</p> <p>21 other social media platforms, like this, where</p> <p>22 misinformation was discussed in any way?</p> <p>23 A. Yeah, again, generally, from a</p> <p>24 relationship-building standpoint, particularly</p> <p>25 early on in the process, we would meet -- we met</p> |
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| <p>1 Q. Do you know Yoel Roth is?</p> <p>2 A. Yes, I know who Yoel Roth is.</p> <p>3 Q. Do you know him personally?</p> <p>4 A. Only in the fact that I've met him</p> <p>5 a couple times. He was at meetings, you know,</p> <p>6 some of these synch meetings he would be at.</p> <p>7 Q. Were these meetings related to</p> <p>8 misinformation with CISA?</p> <p>9 A. Again, these are regular sync</p> <p>10 meetings that we talked about, it's also I do</p> <p>11 recall we had some Twitter-only calls, as well,</p> <p>12 that he participated in, so again, it's general</p> <p>13 meetings would be of conversations.</p> <p>14 Q. What was -- what was discussed in</p> <p>15 the Twitter-only meetings?</p> <p>16 A. Similar, basic</p> <p>17 relationship-building stuff would be some of it,</p> <p>18 so, you know, just going and making sure we know</p> <p>19 who's who, and having conversations about, you</p> <p>20 know, just relationship-building sides. I also</p> <p>21 believe we had some briefings from them on some</p> <p>22 of their public reports, if I recall correctly,</p> <p>23 so things like that. There wasn't a ton of</p> <p>24 them.</p> <p>25 Q. Is this public reporting related to</p> | <p>1 with the platforms just to talk about kind of</p> <p>2 what our role, what we would do, kind of how the</p> <p>3 relationship should act.</p> <p>4 So just as an example, we could</p> <p>5 relate to the K-theoretical. You know, in those</p> <p>6 meetings we wanted to make sure that the</p> <p>7 platforms understood we would never ask them to</p> <p>8 undertake any specific actions. So we would</p> <p>9 reiterate that in all of our meetings. And, you</p> <p>10 know, that was something we continued throughout</p> <p>11 the process.</p> <p>12 We would educate them on -- on</p> <p>13 elections, as I mentioned. We would talk to</p> <p>14 them a little bit about our resilience-building</p> <p>15 work, as I discussed. They would just kind</p> <p>16 of -- again, relationship-building type stuff,</p> <p>17 very general kind of conversations.</p> <p>18 Q. What you describe as the process,</p> <p>19 is that the process of, you know, referring</p> <p>20 disinformation concerns to them, that we've been</p> <p>21 talking about today?</p> <p>22 A. We did have conversations, but I</p> <p>23 think I was referring to the election processes,</p> <p>24 how the election processes worked.</p> <p>25 Q. You said early, when you said early</p> |

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| <p>1 in the process, you meant early in the election</p> <p>2 process?</p> <p>3 A. Oh, yeah, sorry.</p> <p>4 Q. You would have -- you had meetings</p> <p>5 with -- bilateral meetings with Twitter and</p> <p>6 Facebook and other social media companies?</p> <p>7 A. Right. So in 2018 we didn't have</p> <p>8 any relationships with the platforms, at all.</p> <p>9 So in our initial stages of trying to build</p> <p>10 those relationships we would go meet with each</p> <p>11 platform one-on-one, just to make sure we could</p> <p>12 kind of talk to, understand what their concerns</p> <p>13 are, and then, you know, basic</p> <p>14 relationship-building stuff.</p> <p>15 Q. Did those bilateral meetings happen</p> <p>16 in 2020, as well?</p> <p>17 A. I would say they probably --</p> <p>18 probably had bilateral meetings in 2020. I'm</p> <p>19 not remembering any specific, off the top of my</p> <p>20 head, but I believe prior to starting the</p> <p>21 switchboarding work, in 2020, we had</p> <p>22 conversations with each platform individually.</p> <p>23 Q. Those would be when you talk about</p> <p>24 what you would be doing in the switchboarding</p> <p>25 area; right?</p> | <p>1 BY MR. SAUER:</p> <p>2 Q. There's a list of five bullet</p> <p>3 points.</p> <p>4 A. Okay. I'm sorry, what was your</p> <p>5 question?</p> <p>6 Q. Can you show me where on this</p> <p>7 interrogatory response you disclosed, for</p> <p>8 example, bilateral meetings between CISA and</p> <p>9 Twitter or CISA and Facebook relating to the</p> <p>10 misinformation reporting that we've been talking</p> <p>11 about?</p> <p>12 A. So I don't want to speak on behalf</p> <p>13 of whoever submitted the final product, but my</p> <p>14 assumption would be that they would be on the</p> <p>15 preparation meeting. But I'm not -- I'm not</p> <p>16 sure how they captured those in here.</p> <p>17 Q. Were those the same as preparation</p> <p>18 meetings for the USG industry meeting?</p> <p>19 A. I probably wouldn't consider them</p> <p>20 to be the same, but there's -- there are similar</p> <p>21 types of meetings.</p> <p>22 (Exhibit No. 13 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. SAUER:</p> <p>25 Q. Let's get Exhibit 13 back up.</p> |
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| <p>1 A. Yeah, kind of what we would be</p> <p>2 doing, and again, to reaffirm our position that</p> <p>3 we would never ask them to take any specific</p> <p>4 actions, that they should make decisions based</p> <p>5 on their term of service.</p> <p>6 Q. So you're specifically talking</p> <p>7 about the fact that you would be sending them</p> <p>8 reports about disinformation during the election</p> <p>9 cycle?</p> <p>10 A. Yeah, we would be forwarding them</p> <p>11 reports from different election officials, yeah.</p> <p>12 Q. Just putting Exhibit 12 back up,</p> <p>13 here.</p> <p>14 Let me show you where in your</p> <p>15 interrogatory responses you disclosed those</p> <p>16 bilateral meetings with social media platforms</p> <p>17 here in --</p> <p>18 MR. GARDNER: Hold on. We're --</p> <p>19 we're pulling 12 back up, John. Hold on.</p> <p>20 MR. SAUER: Page 38 to 39, it</p> <p>21 actually goes onto 40.</p> <p>22 MR. GARDNER: Yeah, hold on. Whoa</p> <p>23 whoa, whoa, whoa, yeah, almost there. You said</p> <p>24 38, John?</p> <p>25 MR. SAUER: Page 38.</p> | <p>1 Do you see this as a document filed</p> <p>2 before the FEC, entitled: Declaration of Yoel</p> <p>3 Roth?</p> <p>4 A. Okay.</p> <p>5 Q. And scrolling, have you seen this</p> <p>6 document before?</p> <p>7 A. I have not.</p> <p>8 Q. Scroll down to paragraph 11. Start</p> <p>9 with paragraph 10. Mr. Roth says in this</p> <p>10 declaration, he says, since 2018 I have had</p> <p>11 regular meetings with the office of the director</p> <p>12 of National Intelligence, the Department of</p> <p>13 Homeland Security, the FBI, and industry peers</p> <p>14 regarding election security; right?</p> <p>15 A. Yep.</p> <p>16 Q. Was this a description of the --</p> <p>17 the sync meetings that we talked about today,</p> <p>18 between US government and social media</p> <p>19 platforms?</p> <p>20 MR. GARDNER: Objection, lack of</p> <p>21 foundation, calls for speculation.</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Do you see that?</p> <p>24 A. Yeah, I don't know what he's</p> <p>25 talking about, obviously I can't tell for</p> |

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|---|--|
| <p>1 certain what he's talking about.</p> <p>2 Q. No? Since 2018 has the Department</p> <p>3 of Homeland Security had regular meetings with</p> <p>4 social media platforms --</p> <p>5 A. Yep.</p> <p>6 Q. -- ODNI and the FBI?</p> <p>7 MR. GARDNER: Objection, lack of</p> <p>8 foundation.</p> <p>9 A. Yes.</p> <p>10 Q. Yes, it has, because you've</p> <p>11 testified about them repeatedly today, so there</p> <p>12 obviously is a foundation, isn't there?</p> <p>13 You have been personally involved</p> <p>14 in multiple meetings, these sync meetings,</p> <p>15 between USG and industry, and they involve seven</p> <p>16 or eight social media platforms, ODNI, the</p> <p>17 Department of Homeland Security, specifically</p> <p>18 CISA, and the FBI, didn't they?</p> <p>19 A. We had regular meetings, as I</p> <p>20 talked about. Whether or not that is what Yoel</p> <p>21 is also talking about, here, I can't say. But I</p> <p>22 don't think that's a bad inference to make.</p> <p>23 Q. Okay. Scroll down to paragraph 11:</p> <p>24 During these weekly meetings the federal law</p> <p>25 enforcement agencies communicated that they</p> | <p>1 Q. Do you recall that being</p> <p>2 communicated in any of these sync meetings?</p> <p>3 A. Again, it's -- I don't remember</p> <p>4 specifics, but it would not surprise me if this</p> <p>5 was discussed.</p> <p>6 Q. Next sentence, Mr. Roth says:</p> <p>7 These expectations of hack and leak operations</p> <p>8 were discussed throughout 2020.</p> <p>9 Does that ring a bell? Do you</p> <p>10 recall this being raised multiple times and</p> <p>11 repeatedly in these sync meetings?</p> <p>12 A. Again, it's the same response. I</p> <p>13 don't have specific memories of every item that</p> <p>14 was requested or very good memory of the</p> <p>15 conversations, in general. But I would</p> <p>16 definitely not be surprised if these were</p> <p>17 included in those conversations.</p> <p>18 Q. Okay. And then the very next</p> <p>19 sentence, spilling onto page 3, I also learned</p> <p>20 in these meetings that there were rumors that a</p> <p>21 hack and leak operation would involve Hunter</p> <p>22 Biden; do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Do you recall any mention of Hunter</p> <p>25 Biden in any of these meetings with social media</p> |
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| <p>1 expected hack and leak operations by state</p> <p>2 actors might occur in the period shortly before</p> <p>3 the 2020 presidential election, likely in</p> <p>4 October; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall that kind of</p> <p>7 communication occurring in any of these sync</p> <p>8 meetings that occurred in 2020?</p> <p>9 A. Again, I don't specifically recall.</p> <p>10 But as I said earlier, it's certainly possible,</p> <p>11 because it was a common tactic.</p> <p>12 Q. But you don't remember any federal</p> <p>13 agencies talking about hack and leak operations</p> <p>14 in these meetings, but you don't dispute that it</p> <p>15 could have happened?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Okay. Next sentence, Mr. Roth</p> <p>18 says: I was told in these meetings that the</p> <p>19 intelligence community expected that individuals</p> <p>20 associated with political campaigns would be</p> <p>21 subject to hacking attacks, and that the</p> <p>22 material obtained through those hacking attacks</p> <p>23 would likely be disseminated over social media</p> <p>24 platforms, including Twitter; do you see that?</p> <p>25 A. I do.</p> | <p>1 platforms?</p> <p>2 A. I don't.</p> <p>3 Q. So you don't know -- do you -- do</p> <p>4 you dispute that Mr. Roth remembers it</p> <p>5 correctly?</p> <p>6 A. I mean, I have no basis to dispute</p> <p>7 or not dispute.</p> <p>8 Q. Okay.</p> <p>9 A. These aren't topics that CISA would</p> <p>10 be briefing on, so it's possible another agency</p> <p>11 did brief on them.</p> <p>12 Q. How about the FBI, do you remember</p> <p>13 the FBI, Laura Dehmlow and Elvis Chan, saying</p> <p>14 anything about Hunter Biden during these</p> <p>15 meetings?</p> <p>16 A. I don't.</p> <p>17 Q. How about ODNI?</p> <p>18 A. I don't, no.</p> <p>19 Q. How about DOJ, national security</p> <p>20 division?</p> <p>21 A. I don't, no.</p> <p>22 Q. This is dated December 17th, 2020,</p> <p>23 so that would have been within a couple of</p> <p>24 months of these meetings, a month or two of the</p> <p>25 last meeting; is that right?</p> |

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|---|---|
| <p>1 A. I'm sorry, what was -- could you</p> <p>2 repeat that? I just want to make sure I</p> <p>3 understand what you're asking.</p> <p>4 Q. I was just scrolling down to the</p> <p>5 fourth page of the document, where it's dated</p> <p>6 December 17th, 2020.</p> <p>7 A. Oh.</p> <p>8 Q. Do you see that?</p> <p>9 A. Yep.</p> <p>10 Q. So this declaration would be</p> <p>11 executed close in time to the meetings that are</p> <p>12 being discussed; correct?</p> <p>13 A. Correct.</p> <p>14 MR. SAUER: I'm going to e-mail you</p> <p>15 Exhibit 14.</p> <p>16 MR. GARDNER: John, did you say 14?</p> <p>17 MR. SAUER: Exhibit 14, yeah, do</p> <p>18 you have that?</p> <p>19 MR. GARDNER: Yeah, we already have</p> <p>20 that, the deposition of Elvis Chan.</p> <p>21 MR. SAUER: Yeah. Sorry, guys.</p> <p>22 (Exhibit No. 14 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. SAUER:</p> <p>25 Q. This is the third page of this</p> | <p>1 Q. And then he was asked, how about</p> <p>2 any other agency, not law enforcement. And he</p> <p>3 answered, as I mentioned, I believe CISA would</p> <p>4 have had the same concern as the FBI; right?</p> <p>5 A. That was his response, yep.</p> <p>6 Q. And I asked him: That was relayed</p> <p>7 through Mr. Masterson and Mr. Scully, I think</p> <p>8 you said, correct? And he answered, correct;</p> <p>9 right?</p> <p>10 A. Okay. Yep.</p> <p>11 Q. Do you remember either you or</p> <p>12 Mr. Masterson relaying a concern about hack and</p> <p>13 leak operations in those meetings?</p> <p>14 A. I don't.</p> <p>15 Q. Next page of the document, page</p> <p>16 222, fourth page of the PDF, you testify: I</p> <p>17 believe that the senior election official from</p> <p>18 ODNI would also flag -- flag that as a concern;</p> <p>19 correct?</p> <p>20 A. Yes. That's what he says, yes.</p> <p>21 Q. Do you remember anyone from ODNI</p> <p>22 raising a concern about hack and leak operations</p> <p>23 in these meetings?</p> <p>24 A. Again, as I said in your previous</p> <p>25 questions, I don't recall specifics, but it</p> |
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| <p>1 document.</p> <p>2 A. Okay.</p> <p>3 Q. There's an exchanges here where Mr.</p> <p>4 Chan is asked -- he refers to the federal law</p> <p>5 enforcement agencies, plural, in that sentence,</p> <p>6 do you see that answer, yes; do you see where</p> <p>7 that is?</p> <p>8 A. Line four?</p> <p>9 Q. Yeah.</p> <p>10 A. Is that what you're referring to?</p> <p>11 Yeah, you're referring to the</p> <p>12 question at line four?</p> <p>13 Q. Right.</p> <p>14 A. Okay. Yeah, I see that.</p> <p>15 Q. And Mr. Chan was asked the question</p> <p>16 on line eight, whether other federal law</p> <p>17 enforcement agencies, other than the FBI, talked</p> <p>18 about hack and leak operations; do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And he says he doesn't think of any</p> <p>21 other federal law enforcement agencies, there at</p> <p>22 line 15. The only federal law enforcement</p> <p>23 agency I remember conveying our concern about</p> <p>24 hack and leak operations was the FBI; right?</p> <p>25 A. That's his response, correct.</p> | <p>1 wouldn't surprise me if -- if they were</p> <p>2 mentioned.</p> <p>3 MR. SAUER: I'm sending you Exhibit</p> <p>4 15 by e-mail.</p> <p>5 (Exhibit No's. 15, 16 and 17 were</p> <p>6 marked for identification.)</p> <p>7 MR. GARDNER: John, are you</p> <p>8 intending to screen share?</p> <p>9 MR. SAUER: Yeah, I'm doing that</p> <p>10 right now.</p> <p>11 MR. GARDNER: We're still waiting</p> <p>12 for the exhibit.</p> <p>13 MR. SAUER: Sorry. I think I got</p> <p>14 my exhibits switched up. Yeah, here, I'm</p> <p>15 showing you exhibit -- I think it will be</p> <p>16 Exhibits 15, 16 and 17. You know, the one that</p> <p>17 I thought was 15 is 16, the one that I thought</p> <p>18 was 16 is 15, so I'm showing you Exhibit 16.</p> <p>19 MR. GARDNER: So when we receive</p> <p>20 your e-mail do you want us to pull up the</p> <p>21 document marked 16?</p> <p>22 MR. SAUER: Yeah, you should have</p> <p>23 received it already.</p> <p>24 MR. GARDNER: Yeah, not yet.</p> <p>25 MR. SAUER: There should be an</p> |

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|---|---|
| <p>1 e-mail with 15, 16 and 17 all attached.</p> <p>2 MR. GARDNER: Yeah, not yet.</p> <p>3 MR. SAUER: Really? Well --</p> <p>4 MR. GARDNER: Oh, here we go.</p> <p>5 Do you want us to pull up 16 first?</p> <p>6 MR. SAUER: Yeah.</p> <p>7 MR. GARDNER: Okay. John, I have</p> <p>8 15 here, and I got set up -- I see what's</p> <p>9 happening. Hold on. Yeah, sorry.</p> <p>10 MR. SAUER: It's a one-page e-mail,</p> <p>11 it should be up.</p> <p>12 MR. GARDNER: Yep. Yeah.</p> <p>13 BY MR. SAUER:</p> <p>14 Q. Here's a -- Mr. Scully, you see an</p> <p>15 e-mail here from Facebook to you and</p> <p>16 Mr. Masterson, as well as Allison Snell and</p> <p>17 Geoff Hale; correct?</p> <p>18 A. I do.</p> <p>19 Q. And there it indicates that there</p> <p>20 it's called today's industry statement; right?</p> <p>21 A. Joint industry statement.</p> <p>22 Q. Right. And they say -- and</p> <p>23 Facebook says to you, I wanted to ensure you had</p> <p>24 the statement we will look to release following</p> <p>25 today's meeting; right?</p> | <p>1 Q. Does that refresh your memory, at</p> <p>2 all, about hack and leak operations being raised</p> <p>3 at these sync meetings in 2020?</p> <p>4 A. Again, I don't have any specific</p> <p>5 recollections of the conversations. But as I</p> <p>6 said a few times, now, it doesn't surprise me</p> <p>7 that they would discuss the common tactic used</p> <p>8 globally.</p> <p>9 Q. Were you aware of any pending</p> <p>10 investigations, at that time, into possible</p> <p>11 hack -- actual possible hack and leak</p> <p>12 operations?</p> <p>13 A. No.</p> <p>14 Q. I'm showing you what should be</p> <p>15 Exhibit 15.</p> <p>16 MR. GARDNER: Got it.</p> <p>17 THE WITNESS: Okay.</p> <p>18 BY MR. SAUER:</p> <p>19 Q. And here's an e-mail from Lauren</p> <p>20 Protentis to people at Facebook and CISA, that</p> <p>21 refers to the prep USG industry called monthly,</p> <p>22 in the subject line; correct?</p> <p>23 A. Yes, correct.</p> <p>24 Q. And I think you testified earlier</p> <p>25 that Facebook was kind of the point for the</p> |
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| <p>1 A. Correct.</p> <p>2 Q. And then, under the joint industry</p> <p>3 statement, it talks about how there are these</p> <p>4 meetings that have been going on; right?</p> <p>5 A. Yes.</p> <p>6 Q. And then it says -- the majority of</p> <p>7 the statement says: At today's meeting we</p> <p>8 specifically discussed three things; right?</p> <p>9 A. Yes.</p> <p>10 Q. And the second one of those says:</p> <p>11 Ways to counter targeted attempts to undermine</p> <p>12 election conversation before, during, and after</p> <p>13 the election; right?</p> <p>14 A. It does.</p> <p>15 Q. And the industry statement goes on</p> <p>16 to say: This includes preparing for possible</p> <p>17 so-called hack and leak operations, attempted to</p> <p>18 use platforms and traditional media to amplify</p> <p>19 unauthorized information drops; correct?</p> <p>20 A. Correct.</p> <p>21 Q. Does that -- and so the industry</p> <p>22 prepared a public statement saying that hack and</p> <p>23 leak operations were discussed at one of these</p> <p>24 meetings; correct?</p> <p>25 A. Correct. Yes.</p> | <p>1 industry. And so there would be a preparatory</p> <p>2 meetings between CISA and Facebook to kind of</p> <p>3 set the agenda for the big monthly meeting that</p> <p>4 involved all the platforms and at least four</p> <p>5 agencies; right?</p> <p>6 A. That's correct, yeah.</p> <p>7 Q. Okay. Here it says, among other</p> <p>8 things, industry prompts, themes, narratives,</p> <p>9 approaches you anticipate for races you think</p> <p>10 will be targeted, right, is number two?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What's that talking about,</p> <p>13 are they asking that industry to report back on</p> <p>14 what themes and narratives on social media they</p> <p>15 anticipate may happen in certain election races?</p> <p>16 A. So I'm not -- I'm not sure what,</p> <p>17 specifically, they were talking about here.</p> <p>18 It's possible they were trying to understand if</p> <p>19 they were particularly they were being targeted</p> <p>20 by foreign actors, but I don't know, that's --</p> <p>21 Q. How about themes and narratives?</p> <p>22 A. Yeah, I think that would be</p> <p>23 pretty --</p> <p>24 Q. Go ahead.</p> <p>25 A. I think that would be the same kind</p> |

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|--|---|
| <p>1 of idea. Again, as I mentioned earlier, in a</p> <p>2 lot of these calls the intelligence community</p> <p>3 would provide kind of high-level assessments of</p> <p>4 unclassified reporting that they had done.</p> <p>5 Q. What does industry prompts mean?</p> <p>6 A. Generally speaking, it would be the</p> <p>7 questions that industry had for government.</p> <p>8 Q. So industry --</p> <p>9 A. For --</p> <p>10 Q. Go ahead.</p> <p>11 A. Actually, let me rephrase. Sorry.</p> <p>12 I think in this case it's --</p> <p>13 it's -- I'm not sure, that's how I would have</p> <p>14 interpreted it, but based on where it is in the</p> <p>15 agenda I'm not sure that's what Warren meant.</p> <p>16 Q. In other words, these questions of</p> <p>17 government for industry say, hey, social media</p> <p>18 platforms tell us what themes, narratives,</p> <p>19 approaches you're anticipating for the upcoming</p> <p>20 election?</p> <p>21 A. No, my -- my interpretation of this</p> <p>22 is that it's industry questions for government,</p> <p>23 because the government portion of the agenda.</p> <p>24 So industry, if possible, would like to hear</p> <p>25 government's perspective on these questions.</p> | <p>1 Q. How about do you remember themes</p> <p>2 and narratives being discussed, like, hey, we</p> <p>3 expect people to be, you know, talking about --</p> <p>4 expect, you know, social media postings to</p> <p>5 reflect this theme or that narrative?</p> <p>6 A. So I think there are two components</p> <p>7 to this one. I believe there are some</p> <p>8 discussion about would we have seen historically</p> <p>9 in the past, and may see going forward. So --</p> <p>10 so I believe there might have been some</p> <p>11 discussion around that.</p> <p>12 And then if -- again, if the intel</p> <p>13 communities had reporting talked about foreign</p> <p>14 actor efforts, they would share those.</p> <p>15 I don't recall, specifically, what</p> <p>16 was discussed. So I -- I don't know if -- what</p> <p>17 level of detail, if any, they got down to in</p> <p>18 those conversations.</p> <p>19 And I'm not even -- to be honest,</p> <p>20 I'm not even sure if I attended this meeting. I</p> <p>21 think I either just got back from my detail or</p> <p>22 it was right before I got back to my detail, so</p> <p>23 I'm not sure I attended this one.</p> <p>24 Q. I'm going to share Exhibit 17.</p> <p>25 A. Okay.</p> |
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| <p>1 Q. Did government share that with the</p> <p>2 social media platforms in these meetings? Did,</p> <p>3 you know, the federal agencies talk about what</p> <p>4 themes and narratives and approaches they</p> <p>5 anticipated on social media for election races?</p> <p>6 MR. GARDNER: Objection, compound.</p> <p>7 THE WITNESS: Yeah, can you just</p> <p>8 kind of break that question down for me?</p> <p>9 BY MR. SAUER:</p> <p>10 Q. In the actual meetings did the</p> <p>11 federal agencies provide information to the</p> <p>12 social media platforms about the themes and</p> <p>13 narratives they anticipated seeing on social</p> <p>14 media for particular races, election races?</p> <p>15 A. I don't think it was ever broken</p> <p>16 down by particular races. I think there were --</p> <p>17 again, there was intelligence. If there's</p> <p>18 intelligence that was unclassified they could be</p> <p>19 shared about, targets and things like that, the</p> <p>20 intelligence community would share that.</p> <p>21 But generally speaking, I don't</p> <p>22 think that we would necessary get down to the</p> <p>23 individual race level, but again, I'm not -- I</p> <p>24 don't have a memory of every specific item that</p> <p>25 was discussed.</p> | <p>1 Q. And this is a collection of</p> <p>2 e-mails, again.</p> <p>3 Here on the first page, in April of</p> <p>4 2022, this year, Lauren Protentis is sharing the</p> <p>5 agenda for one of these USG sync meetings. And,</p> <p>6 among other things, she says: One-pager</p> <p>7 reminder; do you know what she's talking about?</p> <p>8 A. Yeah, she -- we had asked industry</p> <p>9 to provide a one-page summary of their content</p> <p>10 moderation rules that we could share with</p> <p>11 election officials.</p> <p>12 Q. What's the purpose of that, a</p> <p>13 one-page summary of their content moderation</p> <p>14 rules?</p> <p>15 A. So we -- we would receive a lot of</p> <p>16 questions from election officials about how</p> <p>17 different platforms made decisions about their</p> <p>18 terms of service. And we thought this was a way</p> <p>19 to help the platforms be more transparent with</p> <p>20 election officials. So we asked them to just</p> <p>21 put together kind of a one-page summary.</p> <p>22 Q. A one-page summary of basically</p> <p>23 what their content moderation policies were as</p> <p>24 applies to election misinformation?</p> <p>25 A. Yeah, that we could share with</p> |

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| <p>1 election officials.</p> <p>2 Q. I take it, then, the election</p> <p>3 officials when they see something on social</p> <p>4 media that they view as disinformation or</p> <p>5 misinformation would be educated on whether or</p> <p>6 not it violates that platform's policy; is that</p> <p>7 right?</p> <p>8 A. I'm not sure that was the full</p> <p>9 expectation, but I think it was just to try to</p> <p>10 provide some transparency and some understanding</p> <p>11 of how the platforms make a decision.</p> <p>12 Q. And why is it useful? I take it</p> <p>13 this was your idea, CISA's idea, not -- it</p> <p>14 wasn't something that the election officials</p> <p>15 have asked for?</p> <p>16 A. To be honest, it asks of maybe</p> <p>17 before I returned, so I'm not entirely certain,</p> <p>18 but I suspect it was some combination of</p> <p>19 election officials asking. We got a lot of</p> <p>20 questions over the years about that, and us</p> <p>21 just, you know, raising it with the platforms</p> <p>22 the way they're trying to help the election</p> <p>23 officials.</p> <p>24 Q. Jumping ahead, 15743, should be on</p> <p>25 the 7th page of the PDF, there's a discussion in</p> | <p>1 A. It's more of a -- so just taking a</p> <p>2 step back, right, essentially what CISA does is</p> <p>3 it invites key stakeholders to CISA to</p> <p>4 facilitate information sharing about what's</p> <p>5 going on within the elections.</p> <p>6 Most of it is cyber related, but</p> <p>7 the NAV and NAFTA that we talked about earlier</p> <p>8 were there, and so if they heard reporting up</p> <p>9 through their members, they might mention it.</p> <p>10 Generally speaking, you might</p> <p>11 have -- in 2020 it was a little different,</p> <p>12 because of COVID. But generally speaking, we</p> <p>13 would have somebody from our team there who we</p> <p>14 would have a team kind of working on the chats.</p> <p>15 And so the switchboard reporting</p> <p>16 might come in and in 2018, for example, our guy</p> <p>17 was sitting in the room, in 2020 I think I was</p> <p>18 the only one in the room, maybe one other from</p> <p>19 our team. And then they would -- you know, so</p> <p>20 that's -- I don't know if that helps clarify. I</p> <p>21 think I just talked in mode right there.</p> <p>22 Q. When you say in the room, is there,</p> <p>23 like, a physical location where CISA and NASED</p> <p>24 and NASS and social media platforms all have</p> <p>25 people or what room are we talking about?</p> |
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| <p>1 the April --</p> <p>2 MR. GARDNER: Are you at that now?</p> <p>3 THE WITNESS: Sorry, I just</p> <p>4 accidentally got out. I'm going to the page. I</p> <p>5 think I'm there.</p> <p>6 BY MR. SAUER:</p> <p>7 Q. There's a discussion, a bullet</p> <p>8 point in the agenda for the August 2020 USG</p> <p>9 industry meeting of election-day coordination.</p> <p>10 Do you know what -- what that was</p> <p>11 discussed under that?</p> <p>12 A. Yeah, and just to be clear, you</p> <p>13 know, we just jumped from 2022 back to 2020;</p> <p>14 right?</p> <p>15 Q. Yeah.</p> <p>16 A. Okay. Yeah, so CISA regularly set</p> <p>17 up an operation center on election day, around</p> <p>18 the election. And the platforms and some of the</p> <p>19 other agencies do the same. But I think it was</p> <p>20 just a conversation about how all the different</p> <p>21 organizations were going to be managing on</p> <p>22 election day.</p> <p>23 Q. What is the nature of a -- what is</p> <p>24 CISA's election day operation do, does it</p> <p>25 receive disinformation reports?</p> | <p>1 A. Yeah, so in 2020, CISA had a room</p> <p>2 where we had some of our stakeholders attend in</p> <p>3 person. I don't have a full list of who was</p> <p>4 there. It was obviously not substantial, due to</p> <p>5 COVID restrictions. But we would have federal</p> <p>6 partners, and we have NASS and NASED there.</p> <p>7 I don't know who else was there,</p> <p>8 but I believe there was a couple other, you</p> <p>9 know, maybe election security vendors, folks</p> <p>10 like that, just to facilitate information</p> <p>11 sharing in case an incident occurred.</p> <p>12 Q. Who were the federal partners?</p> <p>13 A. I don't -- I don't believe in 2020</p> <p>14 we had too many in the room, but CISA's watch</p> <p>15 center operations for CISA central I talked</p> <p>16 about earlier, they're our liaisons for many of</p> <p>17 the different agencies, and then we had</p> <p>18 connectivity with FBI, DOJ, NEI, I&A, things</p> <p>19 like that. Again, 2020 all you need due to the</p> <p>20 pandemic.</p> <p>21 Q. And part of what happens in this</p> <p>22 election-day operation is that NASED and NASS</p> <p>23 may receive misinformation reports from their</p> <p>24 members and report them up to you guys; right?</p> <p>25 A. Generally speaking, it would --</p> |

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| <p>1 they would handle them themselves, with the</p> <p>2 platforms, but I'm sure there were examples of</p> <p>3 where they sent it to us.</p> <p>4 Q. And then would you guys perform the</p> <p>5 same misinformation routing function and pass</p> <p>6 that along to the platforms?</p> <p>7 A. Yeah, correct.</p> <p>8 Q. Okay. This happened again in 2022,</p> <p>9 was there an election-day operation?</p> <p>10 A. It was an election operation center</p> <p>11 in 2022. We didn't do switchboarding in 2022,</p> <p>12 as we discussed earlier.</p> <p>13 Q. You say you didn't do</p> <p>14 switchboarding in 2022, did you relay --</p> <p>15 A. Correct.</p> <p>16 Q. -- misinformation or disinformation</p> <p>17 concerns to social media platforms at any time</p> <p>18 during the 2022 election cycle?</p> <p>19 A. Not that I recall, no.</p> <p>20 Q. How did the state and local</p> <p>21 election officials relay those concerns to the</p> <p>22 social media platforms, did they do a --</p> <p>23 A. Yeah, my understanding was</p> <p>24 two-fold, one, I think some of the platforms</p> <p>25 developed a little more robust infrastructure to</p> | <p>1 A. So I didn't have a conversation,</p> <p>2 myself, with CIS about it, so I'm not sure who</p> <p>3 told them not to do it.</p> <p>4 Q. Turning back to the 2022 election</p> <p>5 day operation, was that another case where CISA,</p> <p>6 NASED, NASS, and other federal agencies all had</p> <p>7 representatives in one room?</p> <p>8 A. I -- I think there was some federal</p> <p>9 representative there, like I said, most of that</p> <p>10 would -- would be in the ops center. There were</p> <p>11 other nongovernment partners there, like -- like</p> <p>12 I said, like the -- the vendors, election</p> <p>13 security, election system vendors and folks like</p> <p>14 that.</p> <p>15 Q. What -- what's the ops center?</p> <p>16 A. That's essential, that's kind of</p> <p>17 the 24/7 situational awareness that CISA runs.</p> <p>18 And my understanding is that it has liaisons</p> <p>19 from across the federal agencies.</p> <p>20 Q. And were you there at the -- at the</p> <p>21 ops center in 2022 election day?</p> <p>22 A. So the room we would be in would be</p> <p>23 a separate room. We wouldn't actually be on the</p> <p>24 ops center floor. We called it a situational</p> <p>25 awareness room.</p> |
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| <p>1 engage with election officials, themselves. And</p> <p>2 then I also believe that CIS was up and running,</p> <p>3 but I'm not certain what -- kind of how it all</p> <p>4 worked.</p> <p>5 Q. So you believed that CIS continued</p> <p>6 to receive disinformation/misinformation reports</p> <p>7 from state and local election officials during</p> <p>8 the 2022 election cycle, and relay them directly</p> <p>9 to social media platforms?</p> <p>10 A. Yeah, I'm speculating a bit on</p> <p>11 that, because I'm not particularly familiar with</p> <p>12 what they actually did in 2020, but that was the</p> <p>13 general understanding I had.</p> <p>14 Q. Did they copy you on those reports,</p> <p>15 like they were doing in 2020?</p> <p>16 A. They were not, no.</p> <p>17 Q. Why not? Did you tell them not to?</p> <p>18 Did you say: Don't copy us on these or did they</p> <p>19 just stop?</p> <p>20 A. Yeah, we discussed earlier, CISA</p> <p>21 didn't -- was not doing switchboarding in 2022,</p> <p>22 so there's no reason for them to copy us.</p> <p>23 Q. And did you tell --</p> <p>24 A. But I --</p> <p>25 Q. Go ahead.</p> | <p>1 Q. On election -- were you there?</p> <p>2 A. I was in the situational awareness</p> <p>3 room on election day in 2022, yep.</p> <p>4 Q. Any misinformation or</p> <p>5 disinformation concerns arise on election day in</p> <p>6 2022?</p> <p>7 A. I don't think there was too much.</p> <p>8 I'm not recalling specific incidents. I would</p> <p>9 imagine the two were, but I don't think there</p> <p>10 was very much, if there was.</p> <p>11 Q. What happened?</p> <p>12 A. I'm sorry, that's not very clear.</p> <p>13 I just don't recall if there's</p> <p>14 anything specific. I have a general sense that</p> <p>15 there were a couple of items, but I don't think</p> <p>16 there was very much.</p> <p>17 Q. What happened to the ones that did</p> <p>18 occur or that did arise, did they get routed to</p> <p>19 different platforms?</p> <p>20 A. No, I think it -- no, if any of</p> <p>21 those were mentioned, I think it was just in</p> <p>22 general conversation of what might be happening,</p> <p>23 but we didn't have anything on social media</p> <p>24 platforms.</p> <p>25 Q. Did NASED and NASS route things to</p> |

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| <p>1 social media platforms?</p> <p>2 A. I don't -- I don't know for</p> <p>3 certain. I would -- I would guess they did.</p> <p>4 Q. Jumping ahead in Exhibit 17, page</p> <p>5 14545, it's page 12 of the PDF, and here's an</p> <p>6 agenda from one of these sync meetings from July</p> <p>7 of 2022; do you see that?</p> <p>8 A. Is it 14545?</p> <p>9 Q. Yeah, page 12 of the PDF.</p> <p>10 A. Just making sure. Sorry, it's</p> <p>11 weird how it shows the pages here. Yeah, okay.</p> <p>12 Yep.</p> <p>13 Q. And then Lauren Protentis, here, is</p> <p>14 circulating an agenda for a sync meeting;</p> <p>15 correct?</p> <p>16 A. This looks like it's for a prep</p> <p>17 meeting.</p> <p>18 Q. Prep meeting? Okay.</p> <p>19 And then here in item four, it</p> <p>20 says: CISA elections infrastructure risks,</p> <p>21 Scully; correct?</p> <p>22 A. Yep.</p> <p>23 Q. So is that referring to the plan</p> <p>24 that you -- and do you have a briefing on</p> <p>25 election infrastructure risks at the big sync</p> | <p>1 that changed.</p> <p>2 Q. Oh, you don't think she gave</p> <p>3 that -- that -- that briefing?</p> <p>4 A. I don't believe so, no.</p> <p>5 Q. What kind of domestic adversarial</p> <p>6 actors is the FBI's foreign influence task force</p> <p>7 concerned about?</p> <p>8 A. I don't know.</p> <p>9 Q. Let's jump ahead to page 7599.</p> <p>10 MR. GARDNER: John, before we go</p> <p>11 on, we've been going about two hours, again. I</p> <p>12 think now would probably be a good time for a</p> <p>13 break.</p> <p>14 MR. SAUER: I just got a few more</p> <p>15 questions about this document. Can you keep</p> <p>16 going for a couple more minutes.</p> <p>17 MR. GARDNER: Sure, we can do that.</p> <p>18 BY MR. SAUER:</p> <p>19 Q. Let's just -- here, 7599.</p> <p>20 A. What page are we on?</p> <p>21 Q. That is page 16 of the PDF?</p> <p>22 A. Okay.</p> <p>23 Q. Do you see here on the bottom half</p> <p>24 of the page, on July 1st, 2020, Facebook sends</p> <p>25 e-mail to you and Matt Masterson, Matt and</p> |
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| <p>1 meeting?</p> <p>2 A. Yeah, I believe normally Geoff Hale</p> <p>3 would do that, I believe this meeting Geoff was</p> <p>4 going to be unavailable, so they asked me to</p> <p>5 cover the election infrastructure portion of the</p> <p>6 agenda.</p> <p>7 Q. Now, what you said about them, what</p> <p>8 does that mean, election infrastructure risks,</p> <p>9 does that refer to informational infrastructure?</p> <p>10 A. No, that's -- again, that's kind of</p> <p>11 the broader understanding of how elections</p> <p>12 function, so the systems, physical security,</p> <p>13 things like that. It would just be an update on</p> <p>14 kind of where things stand across kind of the</p> <p>15 broader election infrastructure community.</p> <p>16 Q. Below that, item six, it says:</p> <p>17 FBI, domestic, adversarial actor update, down</p> <p>18 below; do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Do you recall Laura Dehm low giving</p> <p>21 a briefing at that meeting you were at about a</p> <p>22 domestic adversarial actor?</p> <p>23 A. I don't, and I -- I -- if I recall</p> <p>24 correctly, and I don't know if you have the</p> <p>25 actual agenda for the meeting, I think the --</p> | <p>1 Brian, thank you so much for the outreach on our</p> <p>2 next sync; right?</p> <p>3 A. Yep.</p> <p>4 Q. And then she gives a proposed</p> <p>5 agenda for a meeting that she proposes having on</p> <p>6 July 15th of 2020; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And then, in that agenda, there's</p> <p>9 an item here, under number two, that says:</p> <p>10 Hack/leak and USG attribution speed/process; do</p> <p>11 you see that?</p> <p>12 A. Yep.</p> <p>13 Q. What was that referring to?</p> <p>14 A. I -- I don't recall. You know, I</p> <p>15 would have to speculate based on what it says</p> <p>16 here.</p> <p>17 Q. So you don't remember hack/leak</p> <p>18 being put on the agenda for one of these</p> <p>19 meetings?</p> <p>20 A. Again, as I said earlier, I don't</p> <p>21 remember all the agenda items on the meetings or</p> <p>22 specific discussion points. But I'm not</p> <p>23 surprised that it's on here, no.</p> <p>24 Q. Do you know why Facebook would have</p> <p>25 put that on?</p> |

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|---|--|
| <p>1 MR. GARDNER: Objection, calls for 2 speculation. 3 BY MR. SAUER: 4 Q. If you know. 5 A. I don't know. 6 Q. And then what is -- 7 A. I mean, again -- 8 Q. Go ahead. 9 A. Sorry, just as I said, you know, a 10 few times, right, it's not surprising, it was a 11 common tactic that was used globally. But I 12 don't know why they -- if there was a specific 13 reason that they put it on here. 14 Q. What -- how about that, in the 15 second half of that line, USG attribution 16 speed/process; right? Do you know what that 17 means? 18 A. I don't, CISA doesn't do 19 attributions, so I'm not sure what that could be 20 related to. 21 Q. Attribution, when you say CISA does 22 not do attribution, what does that mean? 23 A. Well, the way I would look at 24 attribution would be attributing specific actors 25 to something.</p> | <p>1 A. I don't know for certain. I mean, 2 I would have to go back. Do you have the actual 3 agenda that we used for the meeting or just the 4 proposed one by -- by Facebook? 5 Q. No, let me ask you this: I take it 6 you -- you interpret, in the context of hack and 7 leak, USG attribution, USG is United States 8 government; right? 9 A. Yeah, that's what I would assume it 10 is. 11 Q. Attribution, I take it, is having 12 the USG, the government, figure out who did the 13 hack and the leak; right? That's what 14 attribution means in this context? 15 A. Assuming I was connected to hack 16 and leak, I obviously don't know what this is 17 specifically referring to, but if I were reading 18 that bullet point that's how I would read it, 19 that the attribution was USG attributing a hack 20 and leak. 21 Q. Okay. And then the question is 22 how -- how fast speed and how USG would go about 23 doing it; right, speed/process? 24 A. Again, that's what the agenda says. 25 I don't know exactly what that means.</p> |
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| <p>1 Q. That was -- 2 A. In the MDM context CISA does not do 3 attribution. 4 Q. So attribution is figuring out who 5 is the actual source of the social media 6 posting? 7 A. I mean, if you're talking about a 8 social media posting, that would be attribution. 9 If you're talking about hack and leak, I assume 10 that would be known as the attribution to who 11 the hacker and leaker was. 12 Q. So this, then, could be a 13 discussion of -- you know -- and by the way, 14 this is listed there under 40 minutes deep dive 15 topics; right? 16 A. Mm-hmm. 17 Q. Do you know if you participated in 18 that July 15th, 2020 meeting? 19 A. I would imagine I did, but I -- you 20 know, I would have to go back and look at my 21 calendar. I don't know for certain. 22 Q. You don't know -- sorry. 23 You don't know about whether there 24 was a deep dive on hack/leak and USG 25 attributions, the process?</p> | <p>1 MR. SAUER: Let's take a break 2 there. 3 MR. GARDNER: 10 minutes good? 4 MR. SAUER: Yeah. How long have we 5 been on the record. 6 THE VIDEOGRAPHER: The time is now 7 3:34 p.m. We are off the record. 8 (Recess.) 9 THE VIDEOGRAPHER: The time is now 10 3:50. We are back on the record. 11 MR. SAUER: Before we go back to 12 questioning, I'm formally requesting, on the 13 record, a supplementation of the document 14 production directed to CISA custodians. If you 15 look at those pages where the key custodians are 16 disclosed, we've had testimony today that that 17 list of custodians at ESI should have been 18 searched, should have included the five names 19 that the witness has testified to today, Chad 20 Josiah, Rob Schaul, Adam Zaheer, John Stafford 21 and Pierce Lowary. 22 And, in fact, I think it's 23 astonishing that four of those names are 24 specifically identified as copied on e-mails 25 from the key custodians, but whose ESI was not</p> |

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| <p>1 searched.</p> <p>2 So I request supplementation by</p> <p>3 tomorrow, which is the close of fact discovery.</p> <p>4 We were entitled to that going back to August.</p> <p>5 And this is the first time we've heard about</p> <p>6 this, one day before the close of discovery.</p> <p>7 So I'm asking for those e-mails</p> <p>8 from those custodians, including their</p> <p>9 communications with social media platforms, and</p> <p>10 it now appears there were communications with</p> <p>11 the EIP, potentially, those be produced by</p> <p>12 tomorrow.</p> <p>13 MR. GARDNER: I understand your</p> <p>14 request. We'll take it back.</p> <p>15 MR. SAUER: Thanks.</p> <p>16 (Exhibit No. 18 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. SAUER:</p> <p>19 Q. Let's go to Exhibit 18, it should</p> <p>20 be in your e-mail.</p> <p>21 MR. GARDNER: Yeah, hold on one</p> <p>22 second.</p> <p>23 BY MR. SAUER:</p> <p>24 Q. This document is another one of</p> <p>25 these collective exhibits of a bunch of CISA</p> | <p>1 A. Yes.</p> <p>2 Q. How do you interact with them?</p> <p>3 A. In a couple ways. So one, they do</p> <p>4 a lot of reporting on what they're seeing</p> <p>5 overseas, particularly as it relates to actions.</p> <p>6 So it's a good source of understanding tactics</p> <p>7 and things like that, that are occurring</p> <p>8 overseas.</p> <p>9 We often see what happens overseas</p> <p>10 end up showing up domestically. So it's a good</p> <p>11 source of information for that.</p> <p>12 They also have a tech demo program</p> <p>13 that they run, where they bring in different</p> <p>14 tech companies that work in the information</p> <p>15 operations space. So we'll go -- we have</p> <p>16 members of the team that will go and watch some</p> <p>17 of the demo.</p> <p>18 So I think those are the two main</p> <p>19 ones. We -- trying to think if there's others.</p> <p>20 Q. Do you know George Beebe,</p> <p>21 B-e-e-b-e?</p> <p>22 A. Do I know George? I'm sorry, could</p> <p>23 you spell that again?</p> <p>24 Q. B-e-e-b-e.</p> <p>25 A. The name does not sound familiar.</p> |
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| <p>1 e-mails involving you.</p> <p>2 If you look at the first page, in</p> <p>3 the middle, here, it indicates there's reporting</p> <p>4 that you are forwarding from the state</p> <p>5 department's global engagement centers about</p> <p>6 disinformation on YouTube, and you're forwarding</p> <p>7 it onto -- to social media platform; do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Yeah. Let me ask this: What role</p> <p>11 does the state department's global engagement</p> <p>12 center have in addressing misinformation and</p> <p>13 disinformation on social media?</p> <p>14 A. I don't know what the specific</p> <p>15 authorities are.</p> <p>16 Q. Do you know what they do,</p> <p>17 generally?</p> <p>18 A. Yeah, but also, just to be clear,</p> <p>19 that this e-mail is regarding a State Department</p> <p>20 employee that was targeted overseas, I believe.</p> <p>21 So I -- to answer your -- to answer your</p> <p>22 question, I believe they -- they have a mandate</p> <p>23 to deal with information operations overseas.</p> <p>24 Q. Do you interact with them, at all,</p> <p>25 in your MDM team activities?</p> | <p>1 Q. Do you know if the GEC was involved</p> <p>2 in the Election Integrity Partnership in any</p> <p>3 way?</p> <p>4 A. I don't. I know you showed me a</p> <p>5 document earlier, that they were listed, but I</p> <p>6 don't know what they did.</p> <p>7 Q. Okay. Second page, here, where</p> <p>8 this lists information report, you said -- it</p> <p>9 indicates, in the last sentence there, the</p> <p>10 journalist tells me there's a YouTube channel</p> <p>11 run by Americans falsely claiming that this</p> <p>12 diplomatic officer is patient zero for COVID-19;</p> <p>13 correct?</p> <p>14 A. I'm sorry, what page are you on?</p> <p>15 Q. Second page of the PDF.</p> <p>16 A. Okay. Yes, that's what the e-mail</p> <p>17 says.</p> <p>18 Q. So you said -- well, maybe</p> <p>19 overseas, it looks like the thing they're</p> <p>20 challenging is something posted by Americans;</p> <p>21 correct?</p> <p>22 A. I -- I don't know. I mean, that's</p> <p>23 just a YouTube channel run by Americans, that's</p> <p>24 what they say, yeah.</p> <p>25 Q. You forward this onto him; right?</p> |

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| <p>1 A. I believe that's true, yes.</p> <p>2 Q. Scrolling down to page 10718 -- by</p> <p>3 the way, did you flag these accounts? If you</p> <p>4 look here on the 11th page of the PDF for a</p> <p>5 section --</p> <p>6 A. Sorry, page 11 of the PDF?</p> <p>7 Q. Yeah, here there's a screen shot of</p> <p>8 unofficialcogov, and the Twitter handle, says:</p> <p>9 DM us your weed store location, open</p> <p>10 parentheses, hoes be mad, but this is a parody</p> <p>11 account; correct?</p> <p>12 A. It appears I forwarded it to</p> <p>13 Twitter, yes.</p> <p>14 Q. Okay. And then that was the only</p> <p>15 one, and the next page there's one you forwarded</p> <p>16 to Twitter that says: Smoke, weed, erry day, I</p> <p>17 think they mean every day. The official</p> <p>18 (unofficial) Twitter account of the State of</p> <p>19 Colorado; right?</p> <p>20 A. Yeah, it seems to be part of the</p> <p>21 same e-mail in Colorado.</p> <p>22 Q. Those two accounts you forwarded to</p> <p>23 Twitter, you forward those to Twitter for</p> <p>24 consideration; correct?</p> <p>25 A. Yeah.</p> | <p>1 A. Yeah.</p> <p>2 Q. Okay. Do you know -- do you</p> <p>3 remember having a call with them about your</p> <p>4 process reporting election disinformation on</p> <p>5 that date?</p> <p>6 A. I don't.</p> <p>7 Q. Next page, 9703, tenth page of the</p> <p>8 PDF, there's an e-mail from Twitter to you and</p> <p>9 Matt Masterson, in September of 2020, where it</p> <p>10 says: Hi Matthew and Brian, hope you're doing</p> <p>11 very well. We want to give you an update today.</p> <p>12 We're updating our civic integrity policy. Our</p> <p>13 existing policy does such and such, and it says,</p> <p>14 starting next week we will label or remove false</p> <p>15 or misleading information intended to undermine</p> <p>16 public confidence in an election or other civic</p> <p>17 process; right?</p> <p>18 A. Yep.</p> <p>19 Q. Do you know why they gave you this</p> <p>20 report?</p> <p>21 MR. GARDNER: Objection, calls for</p> <p>22 speculation.</p> <p>23 A. Yeah, I don't know why they</p> <p>24 specifically -- it looks like there's ways to</p> <p>25 public information about it, so as I mentioned</p> |
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| <p>1 Q. And then, sorry, moving back a</p> <p>2 little bit of the document, I apologize, on the</p> <p>3 9th page there's an e-mail on September 25th of</p> <p>4 2020, from you to Twitter, saying, good morning,</p> <p>5 do you all have five minutes for a quick call</p> <p>6 today. I'd like to give you a quick update on</p> <p>7 our reporting process this year. Do you know</p> <p>8 what that was about?</p> <p>9 A. I don't --</p> <p>10 Q. It looks like --</p> <p>11 A. -- know specifically what it's</p> <p>12 about, no.</p> <p>13 Q. It looks like the specific subject</p> <p>14 you mentioned was: Election disinfo reporting;</p> <p>15 correct?</p> <p>16 A. Let me scroll down. Do you have</p> <p>17 the rest of the e-mail chain? Obviously it</p> <p>18 appears to be a reply to something. Am I</p> <p>19 missing something, here?</p> <p>20 Q. Well, this is all we've got. It</p> <p>21 says --</p> <p>22 A. Oh, there's no -- there's no</p> <p>23 header, again.</p> <p>24 Q. But -- but Twitter's response to</p> <p>25 you, says: Re: Election disinfo reporting?</p> | <p>1 earlier, sometimes they would -- they're putting</p> <p>2 things out publicly they would just give us a</p> <p>3 heads up.</p> <p>4 Q. Now, have you ever asked them to</p> <p>5 give you a heads up or Matt Masterson ask them</p> <p>6 to give you a heads up about changes in their</p> <p>7 content moderation policies?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Page 8519, sorry, I'm in the wrong</p> <p>10 spot on the document.</p> <p>11 Let me ask you this: Do you</p> <p>12 remember sharing a -- with Facebook, a</p> <p>13 disinformation report about CISA and Director</p> <p>14 Krebs, does that ring a bell, where the</p> <p>15 disinformation was disinformation about your own</p> <p>16 agency?</p> <p>17 A. I don't recall that, specifically,</p> <p>18 no.</p> <p>19 Q. Here it is, 19th page of the PDF.</p> <p>20 A. 19?</p> <p>21 Q. Yeah, page 19 of the PDF.</p> <p>22 A. Okay.</p> <p>23 Q. And it says: Good afternoon -- you</p> <p>24 sent an e-mail on November 5th of 2020 to</p> <p>25 Facebook, saying, good afternoon Facebook,</p> |

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|---|---|
| <p>1 wanted to share this disinfo report about CISA</p> <p>2 and Director Krebs; do you know what that was</p> <p>3 about?</p> <p>4 A. I don't.</p> <p>5 Q. And your second --</p> <p>6 A. I don't recall.</p> <p>7 Q. The second line says: IG disinfo</p> <p>8 report; do you know what IG means?</p> <p>9 A. It appears, based on the link in</p> <p>10 the e-mail, that it was referring to Instagram.</p> <p>11 Q. By you don't remember -- you don't</p> <p>12 remember a specific -- anything specific</p> <p>13 relating to Director Krebs, do you?</p> <p>14 A. No, I don't.</p> <p>15 Q. Let's scroll ahead a few pages, to</p> <p>16 10394.</p> <p>17 Well, let me ask this: Do you</p> <p>18 remember disinformation about Director Krebs</p> <p>19 circulating in that timeframe, just after the</p> <p>20 2020 election?</p> <p>21 A. I recall that he was named on an</p> <p>22 Iranian-driven enemies of the people list.</p> <p>23 Beyond that, I don't -- I don't recall any other</p> <p>24 specific MDM related to the director, no.</p> <p>25 Q. Okay. Scroll down to the 22nd page</p> | <p>1 the rounds. I don't recall.</p> <p>2 Q. Okay. Well, your next sentence</p> <p>3 says: Wanted to see if you all, meaning</p> <p>4 Facebook, have been tracking this narrative and</p> <p>5 if there's anything you can share around</p> <p>6 amplification; right?</p> <p>7 A. Yep.</p> <p>8 Q. What does amplification mean?</p> <p>9 A. If a particular narrative is being</p> <p>10 amplified.</p> <p>11 Q. So, in other words, you wanted to</p> <p>12 know -- you're asking Facebook to tell you</p> <p>13 whether or not that narrative is being amplified</p> <p>14 on its platform?</p> <p>15 A. Correct. That's how I read that,</p> <p>16 yeah.</p> <p>17 Q. Okay. And then Facebook responds</p> <p>18 by saying: Our teams are actively -- actively</p> <p>19 monitoring developments on this at this time and</p> <p>20 to the extent you or USG have information about</p> <p>21 confirmed misinformation or other information of</p> <p>22 note, we absolutely welcome that; correct?</p> <p>23 A. Yep, that's what they wrote.</p> <p>24 Q. And they follow up by saying:</p> <p>25 Wanted to follow up on the below to say that our</p> |
| Page 286 | Page 288 |
| <p>1 of the PDF.</p> <p>2 A. Okay. Okay.</p> <p>3 Q. Do you see here, you sent an e-mail</p> <p>4 to Facebook on November 10th, 2020, saying:</p> <p>5 Good morning, Director Krebs is particularly</p> <p>6 concerned about the hammer and scorecard</p> <p>7 narrative that is making the rounds; do you see</p> <p>8 that?</p> <p>9 A. Yep.</p> <p>10 Q. Do you know what that was, the</p> <p>11 hammer and scorecard narrative?</p> <p>12 A. If I remember correctly, it was</p> <p>13 something about the NSA, and maybe a different</p> <p>14 federal agency, conspiring to change votes or</p> <p>15 something along those lines. Like there's new</p> <p>16 technology that the NSA developed. I forget the</p> <p>17 specifics of the narrative, itself, but it's</p> <p>18 something along those lines.</p> <p>19 Q. So this is a narrative on social</p> <p>20 media suggesting that the federal government is</p> <p>21 engaging in intellectual or sort of election</p> <p>22 interference in some way?</p> <p>23 A. I think it could have been social</p> <p>24 media, it could have been other media. I'm not</p> <p>25 sure what I was referring to when I said making</p> | <p>1 teams have confirmed that we have third-party</p> <p>2 fact checker verification that the "hammer and</p> <p>3 scorecard" narrative is false; right?</p> <p>4 A. Yes, that's what they say.</p> <p>5 Q. And they go on to report to you:</p> <p>6 Our systems are labeling and downranking the</p> <p>7 contents as identified; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Is that consistent with other</p> <p>10 e-mails, where they report back to you on how</p> <p>11 they've taken action against a content that you</p> <p>12 have flagged?</p> <p>13 A. Yeah, generally consistent, I</p> <p>14 think.</p> <p>15 Q. Let's jump ahead to the 10390, that</p> <p>16 is going to be page 24 of the PDF, and here at</p> <p>17 the bottom of the page you sent the very same</p> <p>18 e-mail to Twitter, as well; right?</p> <p>19 A. Yep.</p> <p>20 Q. Director Krebs is very concerned</p> <p>21 about the hammer and scorecard narrative, and</p> <p>22 I'm wondering if you have been tracking this</p> <p>23 one, if there's anything you can share in terms</p> <p>24 of sharing and amplification; correct?</p> <p>25 A. Yeah, that's what I wrote.</p> |

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|--|---|
| <p>1 Q. The usual context says: We have</p> <p>2 been tracking this issue. I will allow Yoel to</p> <p>3 follow up with detailed information; right?</p> <p>4 A. Yes.</p> <p>5 Q. And that's Yoel Roth; right?</p> <p>6 A. I believe so, yeah, that's -- let's</p> <p>7 see, yep.</p> <p>8 Q. He was then the chief content</p> <p>9 modulation officer for Twitter, right, ahead of</p> <p>10 their trust and safety team?</p> <p>11 A. I don't recall what his title was,</p> <p>12 but he certainly was in charge of some trust and</p> <p>13 safety, safety stuff.</p> <p>14 Q. Trust and safety, that means</p> <p>15 enforcing content moderation policies; right?</p> <p>16 A. I suspect that's one of the</p> <p>17 responsibilities.</p> <p>18 Q. He comes back to you with a kind of</p> <p>19 detailed report here at the top of the page</p> <p>20 about what Twitter's been doing on this, he</p> <p>21 says, we've been tracking the hammer/scorecard</p> <p>22 issue closely, particularly since Director</p> <p>23 Krebs's tweet on the subject, which is pretty</p> <p>24 unambiguous as debunks go; correct?</p> <p>25 A. That's what he wrote, yeah.</p> | <p>1 Twitter, were following the page and using it to</p> <p>2 fact check, essentially, things that people were</p> <p>3 posting on their platforms?</p> <p>4 A. Yeah. So the platforms are looking</p> <p>5 for a place to get accurate information about</p> <p>6 different things that they were seeing on their</p> <p>7 platforms. And I know some of them used the</p> <p>8 universe reality page to do that.</p> <p>9 Q. And, in fact, this e-mail indicates</p> <p>10 that they used it to debunk the hammer/scorecard</p> <p>11 narrative, if the tweet that Director Krebs did</p> <p>12 refers to the rumor page; correct?</p> <p>13 A. I'm sorry, could you repeat the</p> <p>14 question?</p> <p>15 Q. Actually, let's move on to the page</p> <p>16 8625, it's a couple pages down, on page 27 of</p> <p>17 the PDF. Here you're flagging, on Friday,</p> <p>18 November 13th of 2020, you've been flagging a</p> <p>19 tweet for Twitter. And at one point you say, at</p> <p>20 11:26 p.m. on a Friday night, you e-mail Twitter</p> <p>21 and say: Some Friday night fun for the two of</p> <p>22 us, hope you are well; right?</p> <p>23 A. Yeah.</p> <p>24 Q. So you were forwarding and routing</p> <p>25 disinformation concerns to social media</p> |
| Page 290 | Page 292 |
| <p>1 Q. Do you recall Director Krebs</p> <p>2 debunking this in a tweet?</p> <p>3 A. I suspect, and I keep on, let me</p> <p>4 just add, I don't recall Director Krebs'</p> <p>5 specific tweet. Two, its possible, as part of</p> <p>6 our universe reality page, and Director Krebs</p> <p>7 would put a new item up on our universe reality</p> <p>8 page, he would tweet out the new universe</p> <p>9 reality entry, but I'm not aware of the specific</p> <p>10 tweet, but that would be my guess as to what was</p> <p>11 going on.</p> <p>12 Q. Were you aware that the social</p> <p>13 media platforms were following the rumor page</p> <p>14 posted by CISA and using that as a debunking</p> <p>15 method for content on their platforms?</p> <p>16 A. We had a sense they were doing</p> <p>17 that, yeah.</p> <p>18 Q. And that's kind of the point of it,</p> <p>19 right, the point of the rumor page is to debunk</p> <p>20 things; right?</p> <p>21 A. No. The point of the page is just</p> <p>22 to provide accurate information about rumors</p> <p>23 that we were hearing.</p> <p>24 Q. Okay. You were aware, I think you</p> <p>25 just said, that the social media platforms, like</p> | <p>1 platforms near midnight on a Friday?</p> <p>2 A. It appears so.</p> <p>3 Q. And they were responding in</p> <p>4 realtime, for example, 7 minutes later, at 11:33</p> <p>5 p.m., Twitter's responding to you late on a</p> <p>6 Friday night; correct?</p> <p>7 A. Yeah.</p> <p>8 Q. And she says, among other things,</p> <p>9 we have labeled so many tweets tonight, so I'm</p> <p>10 afraid that the answer is there isn't any</p> <p>11 tonight; correct?</p> <p>12 A. I'm sorry, what are you asking?</p> <p>13 Q. Directly above, she said: We've</p> <p>14 labeled so many tweets tonight that it isn't</p> <p>15 ending tonight; correct?</p> <p>16 A. We have labeled so many tweets</p> <p>17 tonight, so I am afraid that for now the answer</p> <p>18 is that it isn't ending tonight?</p> <p>19 Q. Right.</p> <p>20 A. Yes, that's what she wrote.</p> <p>21 Q. This is based on an exchange a</p> <p>22 little lower down, that you flagged something on</p> <p>23 Dominion machines for her, at 11:20 p.m. And</p> <p>24 she responded at 11:21 p.m., within one minute,</p> <p>25 saying, thanks, Brian, we will escalate;</p> |

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|---|--|
| <p>1 correct?</p> <p>2 A. Yep, that's what the timestamps</p> <p>3 say.</p> <p>4 Q. Were you getting -- you were kind</p> <p>5 of reporting misinformation on social media late</p> <p>6 at night to social media platforms during this</p> <p>7 timeframe?</p> <p>8 A. I accidentally closed -- that's page</p> <p>9 24?</p> <p>10 Q. Yeah.</p> <p>11 A. Sorry. Yeah, as I said, if I were</p> <p>12 on my phone, and I saw something come in, I</p> <p>13 would push it along.</p> <p>14 Q. Jump ahead to -- and was it common</p> <p>15 for Twitter or Facebook or other platforms to</p> <p>16 respond almost immediately, even near midnight</p> <p>17 on a Friday?</p> <p>18 A. I mean, it's hard to say common. I</p> <p>19 know it happened. They were generally pretty</p> <p>20 responsive. Common's a pretty loose term so,</p> <p>21 you know, I don't know how to respond to that.</p> <p>22 Q. But you say they were generally</p> <p>23 responsive, and that includes prompt in their</p> <p>24 responses to you?</p> <p>25 A. Correct. Right. So they were</p> | <p>1 know.</p> <p>2 Q. Okay. Next page, Lauren Protentis,</p> <p>3 thanks so much for sending, this looks great.</p> <p>4 The only thing I recommend is any steps for</p> <p>5 flagging or escalating MDM content, if possible;</p> <p>6 right?</p> <p>7 A. Yeah, that's what Lauren said.</p> <p>8 Q. And she said: I think then that</p> <p>9 this -- I think, then, that would make this a</p> <p>10 comprehensive product on both the critical needs</p> <p>11 of officials, account security, and MDM</p> <p>12 concerns; correct?</p> <p>13 A. Yeah, that's what she wrote.</p> <p>14 Q. She says: We discussed this a bit</p> <p>15 in our in-person meeting a few weeks ago; right?</p> <p>16 A. Yep.</p> <p>17 Q. Okay. Were you aware of Lauren</p> <p>18 asking for Facebook to produce a document and</p> <p>19 asking them to include steps for planning or</p> <p>20 escalating MDM content for officials?</p> <p>21 A. I was not aware of this document,</p> <p>22 no. I know that the -- I knew those</p> <p>23 conversations about the one-pagers we discussed</p> <p>24 earlier, but I'm not -- I'm not entirely sure</p> <p>25 what this is referring to.</p> |
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| <p>1 prompt in letting me know that they had received</p> <p>2 any e-mail that I sent them, that's essentially</p> <p>3 what I was talking about.</p> <p>4 Q. Let's go to 8557, it's page 42 of</p> <p>5 the PDF.</p> <p>6 A. 42? Okay.</p> <p>7 Q. Here it looks like Facebook is</p> <p>8 e-mailing Lauren Protentis and saying that: I</p> <p>9 wanted to share our account security doc that</p> <p>10 we've been working on, and we're grateful for</p> <p>11 any feedback; right?</p> <p>12 A. Yep.</p> <p>13 Q. Do you know what account security</p> <p>14 document they're talking about, here in April</p> <p>15 15th of 2022?</p> <p>16 MR. GARDNER: Objection, calls for</p> <p>17 speculation.</p> <p>18 A. Yeah, I don't know what specific</p> <p>19 documents they're talking about.</p> <p>20 Q. Is it possible this is the</p> <p>21 one-pager that we were talking about earlier,</p> <p>22 does that ring a bell?</p> <p>23 MR. GARDNER: Objection, calls --</p> <p>24 objection, calls for speculation.</p> <p>25 A. Yeah, I don't -- I don't -- I don't</p> | <p>1 Q. Well, I think you said earlier the</p> <p>2 one-pagers would talk about what their content</p> <p>3 moderation policies are?</p> <p>4 A. Right.</p> <p>5 Q. If you look higher, on that same</p> <p>6 page, Facebook is replying to Lauren and saying,</p> <p>7 would it be -- would it work to just provide my</p> <p>8 e-mail when you share out this one-pager; right?</p> <p>9 Do you see that?</p> <p>10 A. So I'm scrolling up.</p> <p>11 Q. When you share out this one-pager;</p> <p>12 do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So -- so does it seem that</p> <p>15 Lauren is talking about the one-pager that all</p> <p>16 the social media platforms were asked to provide</p> <p>17 for state and local elections; is that what's</p> <p>18 going on?</p> <p>19 A. Again, I'm not sure. It could be</p> <p>20 two different one-pagers that she's talking</p> <p>21 about, one on account security and one that</p> <p>22 Lauren was working on, I wouldn't be -- again, I</p> <p>23 wouldn't be surprised if they were similar, but</p> <p>24 I -- I can't -- I don't know.</p> <p>25 Q. Regardless, for the purpose of this</p> |

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| Page 297 | Page 299 |
|--|--|
| <p>1 one-pager, Lauren is specifically asking that</p> <p>2 they add to it a procedure for state officials</p> <p>3 to flag and escalate MDM content; correct?</p> <p>4 A. It appears she's asking for a</p> <p>5 process for election officials to report MDM</p> <p>6 content to Facebook, yeah.</p> <p>7 Q. Jump ahead to 12223, here on the --</p> <p>8 starting at the 48th page of the PDF and</p> <p>9 spilling to the 49th page, there's another</p> <p>10 e-mail from Lauren Protentis, this time to</p> <p>11 people at Microsoft, which is subject is</p> <p>12 one-pager for election officials; do you see</p> <p>13 that?</p> <p>14 A. Did you say 48?</p> <p>15 Q. Yeah, 48, spilling over onto 49,</p> <p>16 it's -- the header's on 48 and the -- oh, I'm</p> <p>17 sorry, 43. Bad eyesight. Sorry. It really</p> <p>18 looks like an 8.</p> <p>19 A. That's okay.</p> <p>20 Q. Sorry, 43.</p> <p>21 A. I understand that.</p> <p>22 Okay. So one-pager for election</p> <p>23 officials, got the header, okay.</p> <p>24 Q. And in this e-mail Lauren says to</p> <p>25 Microsoft: META is working with industry</p> | <p>1 The team has a few upcoming engagements with</p> <p>2 elections officials for this one-pager, would be</p> <p>3 particularly helpful to share as a leave behind;</p> <p>4 correct?</p> <p>5 A. Yes, that's what she's written.</p> <p>6 Q. And Twitter goes back and says:</p> <p>7 I'll have a one-pager for you later today, just</p> <p>8 getting the final signoff; right?</p> <p>9 A. Correct.</p> <p>10 Q. And then, once he sends it to him,</p> <p>11 scrolling back up, first, she says: State and</p> <p>12 local officials in New Hampshire, Illinois, will</p> <p>13 be the first recipients of this; right? There</p> <p>14 at the top of the page.</p> <p>15 The first line on page 45 of the</p> <p>16 PDF Lauren says --</p> <p>17 A. Yeah, the e-mail chain is a little</p> <p>18 funky, so I was just trying to read and make</p> <p>19 sure the e-mails were connected.</p> <p>20 Okay. So Twitter provided the</p> <p>21 one-pager. Lauren said thanks. State and local</p> <p>22 officials in New Hampshire and Illinois will be</p> <p>23 the first recipients to this? Okay. Sorry.</p> <p>24 Q. Then she follows up with another</p> <p>25 e-mail, saying: Actually, one question, is</p> |
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| <p>1 partners to create one-pagers for election</p> <p>2 officials, in the lead-up to the midterms, that</p> <p>3 provide steps to create secure accounts --</p> <p>4 secure accounts and to report MDM; do you see</p> <p>5 that?</p> <p>6 A. I do.</p> <p>7 Q. And she said: We'll be sharing</p> <p>8 these products at our various engagements with</p> <p>9 officials, presumably meaning state and local</p> <p>10 election officials; right?</p> <p>11 MR. GARDNER: Objection, calls for</p> <p>12 speculation.</p> <p>13 A. Yeah, I mean, obviously, I don't</p> <p>14 know what she means by officials, but I think</p> <p>15 that's a fair assumption.</p> <p>16 Q. And that's a one-pager for election</p> <p>17 officials; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Skipping ahead to 22053, page 45 of</p> <p>20 the PDF, going onto 46.</p> <p>21 A. Okay.</p> <p>22 Q. You see here, on May 11, 2022,</p> <p>23 Lauren Protentis is writing to Twitter: Hope</p> <p>24 this e-mail finds you well, wanted to circle</p> <p>25 back on this and see if you have any questions.</p> | <p>1 there a way to include something about how to</p> <p>2 report disinformation; do you see that?</p> <p>3 A. Yep. Yep.</p> <p>4 Q. And Twitter says: The best way for</p> <p>5 them to do that is to contact gov@twitter.com;</p> <p>6 right?</p> <p>7 A. Yep.</p> <p>8 Q. And I can add that to the doc if</p> <p>9 that would be helpful; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And Lauren says: That would be so</p> <p>12 helpful if you could add that to the doc. Thank</p> <p>13 you; right?</p> <p>14 A. Yep.</p> <p>15 Q. And Twitter says: They do; right?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. So that's the second time she's</p> <p>18 pushed the social media platform to expand the</p> <p>19 one-pager to include a reporting process for MDM</p> <p>20 for the state and local election officials;</p> <p>21 correct?</p> <p>22 A. I'm not sure that's how I would</p> <p>23 characterize it. I think she's just trying to</p> <p>24 make sure that election officials have the</p> <p>25 information they need if they want to report.</p> |

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|---|--|
| <p>1 I'm not sure it's expanding. I don't know.</p> <p>2 You're making it more dramatic than it was, I</p> <p>3 think.</p> <p>4 Q. Well, suffice to say that she's</p> <p>5 asking Twitter to include information</p> <p>6 specifically about how do you report MDM;</p> <p>7 correct?</p> <p>8 A. About how election officials should</p> <p>9 support MDM, correct.</p> <p>10 Q. And Twitter had not included that</p> <p>11 in theirs, and she asked them to put it in and</p> <p>12 they did; right?</p> <p>13 A. It appears so, yeah.</p> <p>14 Q. Same thing happened, actually, with</p> <p>15 YouTube in your earlier e-mail, right, they</p> <p>16 hadn't included it in a one-pager, and she asked</p> <p>17 them to put it in; correct?</p> <p>18 A. I don't recall that e-mail. Which</p> <p>19 e-mail is that?</p> <p>20 (Exhibit No. 27 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Let's move on, actually.</p> <p>24 I'm going to e-mail you some new</p> <p>25 exhibits.</p> | <p>1 or efforts -- any efforts at that time?</p> <p>2 A. When this was written, in August of</p> <p>3 2022? I'm sorry, what time?</p> <p>4 Q. Well, I'm just saying, are you</p> <p>5 aware, around August of 2022, did CISA -- was</p> <p>6 CISA expanding efforts to fight disinformation?</p> <p>7 A. No, no specific efforts, that I'm</p> <p>8 aware of, I believe there might have been some</p> <p>9 additional funding requested in the budget, but</p> <p>10 I'm not sure if that actually went up or not.</p> <p>11 Q. What -- what efforts did CISA</p> <p>12 undertake to fight election disinformation</p> <p>13 during the 2022 election cycle?</p> <p>14 A. We put out a couple of sets of</p> <p>15 products.</p> <p>16 Q. Anything else?</p> <p>17 A. Not -- not that I recall. We</p> <p>18 honestly we didn't do a ton in 2022.</p> <p>19 Q. What were you guys doing, you're</p> <p>20 the MDM team, what did you do to fight MDM?</p> <p>21 A. So again, our -- as I mentioned,</p> <p>22 our role is to build resilience, so we put out</p> <p>23 the two sets of products, as I mentioned.</p> <p>24 Earlier in 2022, we put out additional products.</p> <p>25 I'm sure we gave some stakeholders to build</p> |
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| <p>1 I'm pulling up Exhibit 27, which</p> <p>2 should also be popping up in your inbox.</p> <p>3 There's a news report entitled: CISA expands</p> <p>4 efforts to fight election disinformation ahead</p> <p>5 of challenging 2024 vote; do you see that?</p> <p>6 MR. GARDNER: Yeah. I'm sorry,</p> <p>7 John, we're still waiting for your -- oh, just</p> <p>8 got it. Hold on. Hold up. You said 27?</p> <p>9 MR. SAUER: Yeah.</p> <p>10 MR. GARDNER: Here you go.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. SAUER:</p> <p>13 Q. Do you see the headline: CISA</p> <p>14 expands efforts to fight election disinformation</p> <p>15 ahead of challenging 2024 vote; do you see that?</p> <p>16 A. I do.</p> <p>17 Q. What steps are you aware of CISA</p> <p>18 taking to expand its efforts to fight election</p> <p>19 disinformation going into the next election</p> <p>20 cycle, 2024?</p> <p>21 A. At this time, I'm not aware of any.</p> <p>22 Q. This is dated August 12th, 2022, if</p> <p>23 you scroll down.</p> <p>24 A. Sure.</p> <p>25 Q. Were you aware of any discussions</p> | <p>1 relationships.</p> <p>2 But generally speaking, we did a</p> <p>3 lot of foundational work to better understand</p> <p>4 how it functions, those sorts of things, as</p> <p>5 opposed to very election-specific activities.</p> <p>6 Q. Here in the article it says: The</p> <p>7 danger -- in the second paragraph -- it says:</p> <p>8 The danger of disinformation has become an</p> <p>9 incredibly difficult problem, CISA Director Jen</p> <p>10 Easterly said on Friday; do you see that?</p> <p>11 A. I do.</p> <p>12 Q. And it goes on in his report: That</p> <p>13 Easterly has taken several specific steps to</p> <p>14 fight the problem, including bringing Kim Wyman,</p> <p>15 former Secretary of State of Washington into</p> <p>16 CISA to bolster its election work; correct?</p> <p>17 A. That's what the article says, yep.</p> <p>18 Q. What has Kim Wyman done to fight</p> <p>19 election-related disinformation at CISA?</p> <p>20 MR. GARDNER: Objection.</p> <p>21 Objection, lack of foundation, calls for</p> <p>22 speculation.</p> <p>23 BY MR. SAUER:</p> <p>24 Q. You may answer.</p> <p>25 A. Yeah, can you be more specific</p> |

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|--|---|
| <p>1 about what you're trying to get to?</p> <p>2 Q. Well, what does Kim Wyman do at</p> <p>3 CISA?</p> <p>4 A. Kim Wyman is essentially the new</p> <p>5 Matt Masterson. So she's a senior advisor to</p> <p>6 the director on election security. Most of her</p> <p>7 work has been engagement with election</p> <p>8 officials. I also think she was CISA's</p> <p>9 representative on the CSAC for MDM.</p> <p>10 So beyond some public speaking</p> <p>11 and -- and the CSAC work, I'm not sure what else</p> <p>12 she would have done, would have been doing on</p> <p>13 MDM.</p> <p>14 Q. Down here at the very last</p> <p>15 paragraph, second page of the document, sorry,</p> <p>16 this is hard to highlight, very last paragraph,</p> <p>17 it says: While it's not CISA's role to police</p> <p>18 social media Easterly said her team has</p> <p>19 discussions with platforms, but they're more to</p> <p>20 understand large trends, not specific tweets; is</p> <p>21 that right?</p> <p>22 A. That's what the article says, yeah.</p> <p>23 Q. Do you have discussions with</p> <p>24 platforms discussing large trends of online</p> <p>25 disinformation?</p> | <p>1 Here's an e-mail chain, starting</p> <p>2 with Facebook sending an e-mail directly to Jen</p> <p>3 Easterly, saying she had spoken to Facebook</p> <p>4 about receiving a briefing from us on 2022</p> <p>5 election approach; do you see that there, the</p> <p>6 second page of the document, the beginning of</p> <p>7 the chain?</p> <p>8 A. I do.</p> <p>9 Q. Were you aware that Easterly had</p> <p>10 reached out to Facebook directly and asked for,</p> <p>11 I guess in January of 2022, a briefing on how</p> <p>12 Facebook planned to approach the election?</p> <p>13 A. I was not.</p> <p>14 Q. Facebook says: We're happy to do</p> <p>15 this with your team at your convenience, and</p> <p>16 we'd also love to discuss further how we might</p> <p>17 help support the JCDC effort; do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What does JCDC stand for?</p> <p>20 A. I was afraid you were going to ask</p> <p>21 me that. I don't know exactly what it -- what</p> <p>22 it stands for, I think it's joint cyber</p> <p>23 something or another. Sorry, I -- I forget the</p> <p>24 exact acronym, too many acronyms.</p> <p>25 Q. Is it a committee or a subdivision</p> |
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| <p>1 A. Yeah, I think that's consistent</p> <p>2 with what we talked about from the sync meetings</p> <p>3 and the discussions around the public reporting</p> <p>4 that the platforms have done.</p> <p>5 Q. Any other time when there would</p> <p>6 be -- where there was discussions with platforms</p> <p>7 about disinformation trends?</p> <p>8 A. I think it's just the two, the</p> <p>9 normal sync meetings we discussed, and then the</p> <p>10 normal if they were putting up public reporting</p> <p>11 we might get a briefing on it. I'm trying to</p> <p>12 think if we ever received -- yeah, I think those</p> <p>13 are the big things. We may have done a briefing</p> <p>14 where we had a platform maybe talk about -- talk</p> <p>15 with election officials, but I'm not sure if I'm</p> <p>16 remembering that correctly, so just those two, I</p> <p>17 think, would be the main ones.</p> <p>18 (Exhibit No. 28 was marked for</p> <p>19 identification.)</p> <p>20 MR. SAUER: Exhibit 28.</p> <p>21 MR. GARDNER: Should be right</p> <p>22 there.</p> <p>23 THE WITNESS: Okay.</p> <p>24 BY MR. SAUER:</p> <p>25 Q. Should be on the screen share, too.</p> | <p>1 within CISA or within DHS?</p> <p>2 A. I believe it's a -- it's an effort</p> <p>3 by CISA to -- to collaborate with private sector</p> <p>4 on cyber defense.</p> <p>5 Q. Okay. And Director Easterly</p> <p>6 responds to Facebook saying: Looping in Kris</p> <p>7 and teammates to please follow up; do you see</p> <p>8 that?</p> <p>9 A. I do.</p> <p>10 Q. And then Kris Rose; do you know who</p> <p>11 Kris Rose is?</p> <p>12 A. My understanding is counselor for</p> <p>13 the director, for Director Easterly.</p> <p>14 Q. So -- and he says: Thank you,</p> <p>15 Director. Moving you to BCC; does that stand</p> <p>16 for blind carbon copy?</p> <p>17 A. That would be my understanding.</p> <p>18 Q. And he says per Geoff, G-e-o-f-f, I</p> <p>19 presume that's a Geoff Hale; right?</p> <p>20 A. Yeah.</p> <p>21 Q. Sounds like we may want to discuss</p> <p>22 three primary topics that include 2022</p> <p>23 elections; right?</p> <p>24 A. Mm-hmm.</p> <p>25 Q. Risk management in the face of</p> |

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|--|---|
| <p>1 influence of operations; do you know what that</p> <p>2 means?</p> <p>3 A. I mean, I don't know what context</p> <p>4 he was saying it here, but generally speaking,</p> <p>5 that's CISA's mission to reduce risks to</p> <p>6 critical infrastructure. So I assume it's risk</p> <p>7 management from critical infrastructure to</p> <p>8 influence of operations.</p> <p>9 Q. And JCDC, that's the thing you</p> <p>10 testified before?</p> <p>11 A. Yeah.</p> <p>12 Q. Do you know -- let me ask you this:</p> <p>13 Were you included in this meeting between</p> <p>14 Director Easterly and Facebook?</p> <p>15 A. I was not, in fact, I don't know if</p> <p>16 the meeting actually ever occurred.</p> <p>17 Q. Do you know if Geoff Hale</p> <p>18 participated?</p> <p>19 A. I -- I don't.</p> <p>20 (Exhibit No. 29 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Let's look at Exhibit 29.</p> <p>24 A. Okay.</p> <p>25 Q. Here's a series of text messages</p> | <p>1 A. I'm sorry, what was the last part?</p> <p>2 Q. What else does he do for Facebook</p> <p>3 on misinformation?</p> <p>4 A. Again, I think he would articulate</p> <p>5 the inoffensive behavior, coordinating</p> <p>6 inoffensive behavior. So I don't know if he</p> <p>7 would talk about it in the context of</p> <p>8 disinformation. But my understanding is he</p> <p>9 leads the team one of the teams that deals with</p> <p>10 the coordinated inoffensive behavior.</p> <p>11 Q. Let me ask you about Rob Silvers.</p> <p>12 Do you know who Rob Silvers?</p> <p>13 A. Yes.</p> <p>14 Q. Who's Rob Silvers?</p> <p>15 A. He heads up the DHS office of</p> <p>16 policy. I don't know what his back title is,</p> <p>17 assistant secretary or secretary, something like</p> <p>18 that.</p> <p>19 Q. So he's in the secretary's office?</p> <p>20 A. I believe he reports up to the</p> <p>21 secretary, yeah.</p> <p>22 Q. He -- he -- and Mr. Gleicher says</p> <p>23 to Jen Easterly: Do you have any context you</p> <p>24 can share in the role Rob Silvers is playing on</p> <p>25 disinfo; right?</p> |
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| <p>1 that were produced to us as coming from Director</p> <p>2 Easterly.</p> <p>3 So do you see the blue text, that</p> <p>4 would be Director Easterly, the other side, in</p> <p>5 the gray, is the interlocutor here on the first</p> <p>6 page is this gentleman from Facebook; do you see</p> <p>7 that?</p> <p>8 A. Yeah.</p> <p>9 Q. This -- he -- he -- he issued a</p> <p>10 series of texts. Do you know why he would be</p> <p>11 texting Director Easterly, does he know her?</p> <p>12 MR. GARDNER: Objection, compound.</p> <p>13 Objection, calls for speculation.</p> <p>14 A. Yeah, I -- I don't know is the</p> <p>15 short answer. I don't know what their</p> <p>16 relationship is.</p> <p>17 Q. Do you know him, Mr. Gleicher?</p> <p>18 A. Yeah, I know Nathaniel Gleicher,</p> <p>19 yeah.</p> <p>20 Q. Does he interact with CISA about</p> <p>21 misinformation issues on Facebook?</p> <p>22 A. He does, he participates in the</p> <p>23 monthly regular meetings that we talked about.</p> <p>24 Q. What else does he do, do you know,</p> <p>25 for Facebook on --</p> | <p>1 A. Yep, that's what the text says.</p> <p>2 Q. I understand his team is a task</p> <p>3 force set up, and it was suggested that his team</p> <p>4 is handing policy on disinfo while CISA is</p> <p>5 handling operations; right?</p> <p>6 A. Yeah, that's what Nathaniel wrote.</p> <p>7 Q. What is -- what was your</p> <p>8 understanding of Rob Silver being involved in</p> <p>9 policy on disinformation?</p> <p>10 A. So that is the DHS office of</p> <p>11 policy. He would be involved in most, I would</p> <p>12 say, policy activities related to any topic that</p> <p>13 crossed the department, including</p> <p>14 disinformation.</p> <p>15 Q. And Director Easterly says she's</p> <p>16 happy to chat with Mr. Gleicher; right?</p> <p>17 A. Yep.</p> <p>18 Q. You don't know if they actually</p> <p>19 talked to each other, do you?</p> <p>20 A. I don't.</p> <p>21 Q. She goes on to say: Rob is running</p> <p>22 a governance board to look at potential new</p> <p>23 areas of confronting MDM; correct?</p> <p>24 A. That's what she wrote, yeah.</p> <p>25 Q. Then she says: It doesn't change</p> |

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|---|---|
| <p>1 or impact anything, we, meaning CISA, are doing</p> <p>2 or have already established; right?</p> <p>3 A. Yes, that's what she wrote.</p> <p>4 Q. What were the potential -- what</p> <p>5 potential new areas of confronting MDM were</p> <p>6 discussed, do you know?</p> <p>7 MR. GARDNER: Objection, lack of</p> <p>8 foundation.</p> <p>9 A. I don't have any clue.</p> <p>10 Q. Next page, there's an e-mail from</p> <p>11 Matt Masterson to the director; right?</p> <p>12 A. Yep.</p> <p>13 Q. This is a -- Matt Masterson know</p> <p>14 the director well, I take it he was a political</p> <p>15 appointee, did you say that?</p> <p>16 A. In previous administration --</p> <p>17 excuse me -- yeah, he was a political appointee.</p> <p>18 I don't know what his relationship with the</p> <p>19 director was, so I don't know how well he knew</p> <p>20 her.</p> <p>21 Q. What was the director's role in the</p> <p>22 previous administration, was she at CISA?</p> <p>23 A. No. Director Easterly was not at</p> <p>24 CISA, no.</p> <p>25 Q. Who was she?</p> | <p>1 wants to understand the trends from the</p> <p>2 platforms is so that the relevant agencies can</p> <p>3 try to prebunk or debunk the mis and</p> <p>4 disinformation; correct?</p> <p>5 A. Yeah, I think that's what she's</p> <p>6 saying.</p> <p>7 Q. Can you do that at CISA, when you</p> <p>8 find out about a trend do you go try to work</p> <p>9 with another federal agency to prebunk or debunk</p> <p>10 it?</p> <p>11 A. So again, from a resilience-</p> <p>12 building perspective, you know, what we try to</p> <p>13 do is provide accurate information about those</p> <p>14 issues and topics that are relevant to us. So</p> <p>15 from an election perspective we would try to</p> <p>16 provide appropriate information about elections,</p> <p>17 so that the universe reality page would be an</p> <p>18 example of that, it would fall more potentially</p> <p>19 into the debunking side.</p> <p>20 Prebunking is trying to understand</p> <p>21 ahead of time what could happen so you could</p> <p>22 fill information gaps.</p> <p>23 And so that's generally kind of how</p> <p>24 resilience works. So yeah, we would -- we would</p> <p>25 try to do some of that.</p> |
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| <p>1 A. I'm sorry?</p> <p>2 Q. Was she in government?</p> <p>3 A. Prior to the -- in the previous</p> <p>4 administration?</p> <p>5 Q. Yeah.</p> <p>6 A. I don't know. I think her</p> <p>7 immediate previous job was in the private</p> <p>8 sector, but I don't know how long and if she</p> <p>9 spent any time, at all, in the -- in the</p> <p>10 previous administration in government.</p> <p>11 Q. And here, Director Easterly says to</p> <p>12 Matt Masterson, just trying to get us in a place</p> <p>13 where FED can work with platforms to better</p> <p>14 understand the mis, dis trends so relevant</p> <p>15 agencies can try to prebunk/debunk as useful;</p> <p>16 correct?</p> <p>17 A. That's what she wrote, yeah.</p> <p>18 Q. And that discussion of trends is</p> <p>19 similar to her statement in the media article we</p> <p>20 just looked at about how CISA is interacting</p> <p>21 with social media platforms to identify trends;</p> <p>22 correct?</p> <p>23 A. She mentioned trends in both,</p> <p>24 correct.</p> <p>25 Q. And here she -- the reason she</p> | <p>1 I don't know -- so we worked a</p> <p>2 little bit with the FBI, on products or</p> <p>3 resilience-based products, as I mentioned. I</p> <p>4 say that's probably -- we worked, as I mentioned</p> <p>5 earlier, we worked with the GAC initiative about</p> <p>6 tactics and such.</p> <p>7 So those are the types of things</p> <p>8 that we would do to, again, help people</p> <p>9 understand how MDM works and steps they can take</p> <p>10 to reduce the risks.</p> <p>11 Q. Her next text here, Director</p> <p>12 Easterly's next text says: Not our mission, but</p> <p>13 was looking to play a coord role so not every</p> <p>14 D/A is independently reaching out to platforms</p> <p>15 which could cause a lot of chaos; right?</p> <p>16 A. That's what she wrote, yep.</p> <p>17 Q. What does D/A mean, is that</p> <p>18 department or agency?</p> <p>19 MR. GARDNER: Objection, calls for</p> <p>20 speculation.</p> <p>21 BY MR. SAUER:</p> <p>22 Q. If you know.</p> <p>23 A. That's -- that is one of our common</p> <p>24 abbreviations for department and agency, but I'm</p> <p>25 not sure if that's what she's referring to here.</p> |

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|--|--|
| <p>1 Q. Do you know -- let me ask this: Do</p> <p>2 you believe that if every federal department and</p> <p>3 agency is independently reaching out to the</p> <p>4 platforms that could cause chaos?</p> <p>5 A. Yeah, I think chaos might be a</p> <p>6 little strong. But, you know, it does create</p> <p>7 challenges and provides the platforms</p> <p>8 opportunities to play departments off each</p> <p>9 other.</p> <p>10 Q. Does -- does CISA try to play a</p> <p>11 coordinating role in that, in other words,</p> <p>12 coordinating between the federal agencies and</p> <p>13 the social media platforms on disinformation and</p> <p>14 misinformation issues?</p> <p>15 A. So we did do that as it relates to</p> <p>16 the sync meetings we discussed throughout the</p> <p>17 testimony. Beyond that, we didn't -- we didn't</p> <p>18 attempt to play a substantial role in terms of</p> <p>19 coordinating between.</p> <p>20 Q. Let me ask you this: Matt</p> <p>21 Masterson responds to this e-mail or this text</p> <p>22 and says: We'll get there, and that kind of</p> <p>23 leadership really helps. Platforms have got to</p> <p>24 get more comfortable with government. It's</p> <p>25 really interesting how hesitant they remain;</p> | <p>1 bathroom break.</p> <p>2 MR. SAUER: Well, why don't we make</p> <p>3 it five, and try to make it the last break of</p> <p>4 the day. How long have we been on the record?</p> <p>5 MR. SCOTT: We got back on at 3:50,</p> <p>6 so it's 4:40, so it's 50 minutes in, we have an</p> <p>7 hour and 10 minutes left.</p> <p>8 MR. GARDNER: He's been reliable.</p> <p>9 We need to do this off the record, first of all.</p> <p>10 THE VIDEOGRAPHER: The time is now</p> <p>11 4:42. We are off the record.</p> <p>12 (Recess.)</p> <p>13 THE VIDEOGRAPHER: The time is</p> <p>14 4:53. We are back on the record.</p> <p>15 (Exhibit No. 30 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. SAUER:</p> <p>18 Q. Exhibit 30 should be in your inbox.</p> <p>19 I'll put it up on the screen share.</p> <p>20 Here's an article in The Intercept</p> <p>21 called Truth Cops, Leaked Documents Outline</p> <p>22 DHSA's Plans to Police Disinformation; do you</p> <p>23 see that?</p> <p>24 A. Yeah, we don't have it on here, but</p> <p>25 I saw the headline in your screen share.</p> |
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| <p>1 correct?</p> <p>2 A. That's something I wrote.</p> <p>3 Q. Is that consistent with your</p> <p>4 experience that the social media platforms have</p> <p>5 to be kind of pushed or encouraged to coordinate</p> <p>6 with the government on misinformation issues?</p> <p>7 A. I don't think that's how I would</p> <p>8 characterize it. You know, we operate in a</p> <p>9 voluntary kind of manner, so it's voluntary</p> <p>10 whether -- for CISA, again, for CISA, the MDM</p> <p>11 team, so it's always up to the platforms what</p> <p>12 level of engagement they want to have with us.</p> <p>13 Q. Do you know whether Masterson and</p> <p>14 Easterly had any further discussion of these</p> <p>15 issues?</p> <p>16 A. I don't know.</p> <p>17 Q. Let me send you a couple more</p> <p>18 exhibits. And while they are coming, do you</p> <p>19 know, were you involved, at all, in the</p> <p>20 formation --</p> <p>21 MR. GARDNER: I'm sorry, John, I'm</p> <p>22 sorry, the witness just asked me if we can take</p> <p>23 a break.</p> <p>24 MR. SAUER: Oh.</p> <p>25 THE WITNESS: Just a few minutes,</p> | <p>1 Q. Okay. Sorry. But scrolling down,</p> <p>2 still on the first page, it says: The</p> <p>3 Department of Homeland Security is quietly</p> <p>4 broadening its effort to curb speech it</p> <p>5 considers dangerous; do you see that?</p> <p>6 A. I see that in the article, yep.</p> <p>7 Q. Are you aware of DHS broadening its</p> <p>8 efforts to address disinformation?</p> <p>9 A. I am not, no.</p> <p>10 Q. Has CISA been expanding its MDM</p> <p>11 team?</p> <p>12 A. As I mentioned earlier, we have</p> <p>13 not.</p> <p>14 Q. Let me ask you this: Scrolling</p> <p>15 down here, third page of the document, it says:</p> <p>16 There is also a formalized process for</p> <p>17 government officials to directly flag content on</p> <p>18 Facebook or Instagram and request that it be</p> <p>19 throttled or suppressed through a special</p> <p>20 Facebook portal that requires a government or</p> <p>21 law enforcement e-mail to use; do you see that?</p> <p>22 A. Yeah, I see that in the article.</p> <p>23 Q. And it actually provides a link for</p> <p>24 it, Facebook.com/Xtakedowns/login; are you aware</p> <p>25 of that reporting channel for government</p> |

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| <p>1 officials?</p> <p>2 A. I am not, no.</p> <p>3 Q. On the next page, fourth page of</p> <p>4 the document, it says: According to a draft</p> <p>5 copy of DHS's quadrennial Homeland Security</p> <p>6 review, DHS's capstone report outlining the</p> <p>7 department's strategy and priorities in the</p> <p>8 coming years, the department plans to target</p> <p>9 inaccurate information on a wide range of</p> <p>10 topics; do you see that?</p> <p>11 A. Yeah, I see that in the article.</p> <p>12 Q. Are you aware of the document</p> <p>13 that's a draft of the quadrennial Homeland</p> <p>14 Security review?</p> <p>15 A. I know it says quadrennial Homeland</p> <p>16 Security review is, I don't know if I've seen</p> <p>17 the draft of the most recent one.</p> <p>18 Q. Have you seen any drafts of the</p> <p>19 most recent one?</p> <p>20 A. Not that I recall.</p> <p>21 Q. When does it -- when does it get</p> <p>22 finalized?</p> <p>23 A. I -- I -- I don't know.</p> <p>24 Q. It says: Including the origins of</p> <p>25 the COVID-19 pandemic and the efforts of the</p> | <p>1 related to them, and we just participate in</p> <p>2 meetings with them. From our perspective,</p> <p>3 again, we're trying to understand trends, how</p> <p>4 this information is spreading tactics so we can</p> <p>5 help the public, the public and organizations,</p> <p>6 critical infrastructure organizations, as well</p> <p>7 as some others, understand the risks from MDM</p> <p>8 and how it works and what they can do about it.</p> <p>9 Q. Do you -- do you obtain information</p> <p>10 from CDC and HHS about how COVID vaccine</p> <p>11 misinformation spreads?</p> <p>12 A. I believe that they provided some</p> <p>13 briefings on that, yeah.</p> <p>14 Q. And do you also provide briefings</p> <p>15 to them or information to them?</p> <p>16 A. We did some work on the kind of</p> <p>17 bio-lab narratives, so this is essentially</p> <p>18 foreign governments, whenever anything happens,</p> <p>19 whether biological and sometimes not, they will</p> <p>20 point to US biolabs as being the culprit behind</p> <p>21 it, and so as part of our resilience-building</p> <p>22 efforts we're trying to understand how foreign</p> <p>23 actors have used that narrative over time.</p> <p>24 And so we, starting back in the</p> <p>25 '80s, probably since back in the '80s, the</p> |
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| <p>1 COVID-19 vaccines, racial justice, US withdrawal</p> <p>2 from Afghanistan, and the nature of US support</p> <p>3 for Ukraine, in quotes; do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Are you aware of discussions</p> <p>6 anywhere in DHS about addressing misinformation</p> <p>7 about the origins of the COVID-19 pandemic?</p> <p>8 A. I am not.</p> <p>9 Q. So how about the efficacy of</p> <p>10 COVID-19 vaccines?</p> <p>11 A. Yes, I'm aware of some discussions</p> <p>12 on that.</p> <p>13 Q. What discussions are you aware of?</p> <p>14 A. So it was a -- as I mentioned</p> <p>15 earlier, our building critical infrastructure</p> <p>16 help in public health is one of the sectors of</p> <p>17 critical infrastructure, so we engage with CDC</p> <p>18 and HHS to help them. We've also put out one</p> <p>19 product, sometime in mid 2020, for</p> <p>20 infrastructure stakeholders about COVID-related</p> <p>21 disinformation.</p> <p>22 Q. What do you do to assist CDC and</p> <p>23 HSH?</p> <p>24 A. For the most part, not a lot, to be</p> <p>25 honest. Like I said, we did the one product</p> | <p>1 Russians were using that. Usually they're</p> <p>2 saying at Fort Detrick or some other kind of US</p> <p>3 entity is a biolab, and that's where whatever it</p> <p>4 starts.</p> <p>5 We saw this with COVID. We saw</p> <p>6 this Monkey Pox. We saw this around Ukraine.</p> <p>7 And so, again, just helping people understand</p> <p>8 that a lot of these disinformation narratives</p> <p>9 are recycled over time, for different issues, as</p> <p>10 a way to help build resilience.</p> <p>11 Q. How about racial justice, are you</p> <p>12 doing anything to address misinformation about</p> <p>13 racial justice issue?</p> <p>14 A. CISA has not, to my knowledge, done</p> <p>15 anything related to racial justice.</p> <p>16 Q. How about other DHS components, do</p> <p>17 they do anything on that?</p> <p>18 A. Not that I'm aware of, but</p> <p>19 obviously I don't know everything that they do.</p> <p>20 Q. How about US withdrawal from</p> <p>21 Afghanistan, does CISA work on that?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. And how about other DHS components?</p> <p>24 MR. GARDNER: Objection, calls for</p> <p>25 speculation.</p> |

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|--|--|
| <p>1 A. Yeah, I -- I'm not aware of what</p> <p>2 other components are doing.</p> <p>3 Q. And then the nature of US support</p> <p>4 to Ukraine?</p> <p>5 A. So there was a department stood</p> <p>6 out, what's called the Unified Coordination</p> <p>7 Group, when Russia invaded Ukraine, to</p> <p>8 coordinate DHS activities related to the crisis.</p> <p>9 As a part of that there was an MDM component,</p> <p>10 and a member of the MDM team was detailed to</p> <p>11 lead the MDM component of the Russian/Ukraine</p> <p>12 work. I believe it lasted about two months.</p> <p>13 Q. What did they do?</p> <p>14 A. The Unified Coordination Group.</p> <p>15 Sorry.</p> <p>16 Q. What did that group do?</p> <p>17 A. So most of it took place while I</p> <p>18 was out, so I don't have a super clear</p> <p>19 understanding of everything, but generally</p> <p>20 speaking, they provided a -- they would monitor</p> <p>21 open source researching.</p> <p>22 So we talk about third-party</p> <p>23 researchers, we put out reports, and things like</p> <p>24 that, and they would provide situational</p> <p>25 awareness, at least from our perspective, CISA</p> | <p>1 A. I don't know. There was a call, at</p> <p>2 some point, early, between -- between critical</p> <p>3 infrastructure and I believe some social media</p> <p>4 around that, but I wasn't around for that call</p> <p>5 so I don't really know the nature of what was</p> <p>6 discussed or anything along those lines.</p> <p>7 Q. There was a call between -- and I'm</p> <p>8 sorry, I couldn't hear clearly what you said --</p> <p>9 there was a call between social media platforms</p> <p>10 and -- and who?</p> <p>11 A. So I believe the way I understand</p> <p>12 the call is it facilitated a call with critical</p> <p>13 infrastructure, the critical infrastructure</p> <p>14 community, to private sector companies, sector</p> <p>15 risk management agencies, folks that were</p> <p>16 involved in critical infrastructure security. I</p> <p>17 believe, my understanding is that call did</p> <p>18 include some social media platforms.</p> <p>19 Q. And you -- but you don't know what</p> <p>20 was said in that call?</p> <p>21 A. No, I wasn't -- I wasn't back at</p> <p>22 CISA yet.</p> <p>23 Q. Do you know when the call occurred?</p> <p>24 A. It would have been in probably the</p> <p>25 February -- February time -- timeframe, I would</p> |
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| <p>1 perspective, they would provide situational</p> <p>2 awareness up to the MDM Unified Coordination</p> <p>3 Group.</p> <p>4 Q. Who at CISA participated in that?</p> <p>5 A. So Rob Schaul from the MDM team was</p> <p>6 detailed to the Unified Coordination Group, and</p> <p>7 then several members of the team would have been</p> <p>8 monitoring open source.</p> <p>9 So we have the open source</p> <p>10 reporting. These are third-party research</p> <p>11 reports, things like that, to point to</p> <p>12 information to just make leadership aware.</p> <p>13 Q. Did they -- did that group</p> <p>14 communicate with social media platforms about</p> <p>15 disinformation relating to Ukraine?</p> <p>16 A. By that group, do you mean Unified</p> <p>17 Coordination Group?</p> <p>18 Q. Correct.</p> <p>19 A. I -- I don't know.</p> <p>20 Q. Rob Schaul would know that?</p> <p>21 A. He led the team, so I suspect he</p> <p>22 might.</p> <p>23 Q. Do you know if that team</p> <p>24 communicated with social media platforms, at</p> <p>25 all?</p> | <p>1 think.</p> <p>2 Q. February 2022?</p> <p>3 A. Correct.</p> <p>4 (Exhibit No. 31 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. SAUER:</p> <p>7 Q. I'm putting up Exhibit 31 on the</p> <p>8 screen share. You should have it in front of</p> <p>9 you.</p> <p>10 A. Okay. I got it.</p> <p>11 Q. Here's a report from the Office of</p> <p>12 the Inspector General, entitled: DHS needs a</p> <p>13 unified strategy to counter disinformation</p> <p>14 campaigns; do you see that?</p> <p>15 A. I do.</p> <p>16 Q. Are you familiar with this OIG</p> <p>17 report?</p> <p>18 A. Mostly familiar with it, yeah.</p> <p>19 Q. Were you aware that they -- do you</p> <p>20 know what the day of the report is?</p> <p>21 A. Says August 10th, 2022.</p> <p>22 Q. And I take it this report is</p> <p>23 recommending that here to what we have found,</p> <p>24 DHS needs unified strategy or -- to address</p> <p>25 disinformation; right? Right here, it says:</p> |

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|--|--|
| <p>1 DHS does not yet have a unified department-wide</p> <p>2 strategy to effectively counter disinformation</p> <p>3 that originates from both foreign and domestic</p> <p>4 sources; correct?</p> <p>5 A. I'm trying to find that. Okay.</p> <p>6 Q. Yeah.</p> <p>7 A. DHS does not yet have a unified</p> <p>8 strategy. Correct, yeah, that's what's written</p> <p>9 there.</p> <p>10 Q. Do you share that view, do you</p> <p>11 think DHS lacks a department-wide strategy?</p> <p>12 A. Yes.</p> <p>13 Q. Do you think that different</p> <p>14 components of DHS are engaging in different sort</p> <p>15 of MDM-related activities without coordinating</p> <p>16 with each other?</p> <p>17 A. Yeah, I think that's a fair</p> <p>18 assumption.</p> <p>19 Q. Were you aware that this</p> <p>20 recommendation was made for DHS to do internal</p> <p>21 and external coordination better?</p> <p>22 A. Was I aware that this report was</p> <p>23 stating that DHS needs to do better in internal</p> <p>24 and external coordination?</p> <p>25 Q. Yeah.</p> | <p>1 staff plus one on maternity leave, so six. And</p> <p>2 then we have one, two, two contractor's</p> <p>3 support -- no, three contractor's supporting us.</p> <p>4 Q. Did at some time you have 15 people</p> <p>5 working on this on the MDM team?</p> <p>6 A. I suspect at the height of the team</p> <p>7 if you add in all the contractors there it</p> <p>8 probably got close to 15, but I'm not sure of</p> <p>9 the exact number.</p> <p>10 Q. When was the height of the team?</p> <p>11 A. Staff plus contractors was</p> <p>12 probably -- good question. When was the height</p> <p>13 of the team? We didn't have much contract</p> <p>14 support in 2020, so I would probably say 2021,</p> <p>15 while I was gone.</p> <p>16 Q. It says: The MDM team focuses on</p> <p>17 disinformation activities targeting elections</p> <p>18 and critical infrastructure. According to a</p> <p>19 CISA official, the MDM team counters all types</p> <p>20 of disinformation, to be responsive to current</p> <p>21 events; is that right?</p> <p>22 A. That's what the document says, yep.</p> <p>23 Q. Is that true that the MDM team</p> <p>24 counters all types of disinformation to be</p> <p>25 responsive to current events?</p> |
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| <p>1 A. I -- I don't know if that's what it</p> <p>2 says, is there a page in here where that</p> <p>3 recommendation is or those recommendations?</p> <p>4 Q. Let's go to page 7.</p> <p>5 A. Is this PDF 7 or document page 7?</p> <p>6 Q. Good question. It's PDF 9,</p> <p>7 document --</p> <p>8 A. PDF 9? Okay.</p> <p>9 Q. It's here underneath the graphic</p> <p>10 novels images, there's a paragraph that begins:</p> <p>11 More recently; do you see that?</p> <p>12 A. Yep.</p> <p>13 Q. It says: In January 2021 CISA</p> <p>14 transitioned its countering foreign influence</p> <p>15 task force to promote more flexibility to focus</p> <p>16 on general MDM; right?</p> <p>17 A. Mm-hmm, that's what it says.</p> <p>18 Q. And that CISA's got 15 dedicated</p> <p>19 part- and full-time staff; is that still true?</p> <p>20 A. No.</p> <p>21 Q. I'm sorry, the MDM team has 15</p> <p>22 staff; is that still true?</p> <p>23 A. No.</p> <p>24 Q. How many does it have?</p> <p>25 A. Right now, we have five full-time</p> | <p>1 A. We, again, try to build resilience</p> <p>2 and reduce risks to critical infrastructure. So</p> <p>3 I -- you know, if the event could impact</p> <p>4 critical infrastructure, that would be something</p> <p>5 we would consider addressing.</p> <p>6 Q. Does critical infrastructure</p> <p>7 include cognitive infrastructure?</p> <p>8 A. Not through national policy.</p> <p>9 Q. Okay. Let me go two pages further,</p> <p>10 paragraph -- page 9, it says: For example,</p> <p>11 according to an ODNI official, prior to the</p> <p>12 November 2020 elections CISA and I&A joined in</p> <p>13 weekly teleconferences to coordinate</p> <p>14 intelligence community activities to counter</p> <p>15 election-related disinformation; correct?</p> <p>16 A. That's what the document says, yes.</p> <p>17 Q. Were you aware of those calls,</p> <p>18 that's a coordinating call between CISA, I&A and</p> <p>19 ODNI?</p> <p>20 A. No, that was a coordinate -- so</p> <p>21 yeah, from the call, but the calls were DNI-led</p> <p>22 coordination calls of the intelligence</p> <p>23 community. CISA was there mostly from an</p> <p>24 observer standpoint, to do as an election</p> <p>25 security lead. But it was -- it was an intel</p> |

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|--|--|
| <p>1 community-focused coordination and conversation.</p> <p>2 Q. Who from CISA participated in those</p> <p>3 calls?</p> <p>4 A. I think it was just a random -- a</p> <p>5 random mix. Geoff did not generally participate</p> <p>6 in them. I didn't generally participate in</p> <p>7 them, although I think I did maybe once or</p> <p>8 twice, normally somebody at the staff level.</p> <p>9 Yeah, we have an intel office in</p> <p>10 CISA, so I suspect that at least somebody from</p> <p>11 the intel office was on the calls. But I think</p> <p>12 it was just, you know, it was who's available at</p> <p>13 the staff level would go participate at that</p> <p>14 time.</p> <p>15 Q. Was disinformation, you know, how</p> <p>16 to combat disinformation on social media, is</p> <p>17 that discussed in these calls?</p> <p>18 MR. GARDNER: Objection, calls for</p> <p>19 speculation, lack of foundation.</p> <p>20 A. My understanding, my recollection</p> <p>21 of the calls, at least the couple I was on, it</p> <p>22 was generally the intel community talking about</p> <p>23 what products they were developing, what</p> <p>24 analysis they were doing, things along those</p> <p>25 lines.</p> | <p>1 MR. GARDNER: Not Exhibit 27?</p> <p>2 MR. SAUER: 27 should look familiar</p> <p>3 to you. We talked about it already.</p> <p>4 MR. GARDNER: Okay. Just to be</p> <p>5 clear, are we talking about 27 now or a</p> <p>6 different exhibit?</p> <p>7 MR. SAUER: 23.</p> <p>8 MR. GARDNER: Okay. Don't have</p> <p>9 that yet, but as soon as we do.</p> <p>10 MR. SAUER: And I'm putting it up</p> <p>11 on the screen share, too.</p> <p>12 (Exhibit No. 23 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. SAUER:</p> <p>15 Q. Here's a November 2021 report on</p> <p>16 public comments by Director Easterly and The</p> <p>17 Hill; do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. It says: The title is cyber agency</p> <p>20 beefing up disinformation misinformation team;</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And in the first paragraph says:</p> <p>24 CISA is beefing up its disinformation and</p> <p>25 misinformation team in the wake of a dismissive</p> |
| Page 334 | Page 336 |
| <p>1 Q. The next sentence says: The office</p> <p>2 of the DNI official stated the teleconferences</p> <p>3 continue to occur every two weeks after the 2020</p> <p>4 elections, and were still taking place at the</p> <p>5 time of this audit in August of 2022; do you see</p> <p>6 that?</p> <p>7 A. I do.</p> <p>8 Q. Yeah, what -- are those calls still</p> <p>9 going on today, every two weeks?</p> <p>10 A. I don't know. That was -- that's</p> <p>11 a -- THAT they're still continuing to November</p> <p>12 of 2022 is news to me. So yeah, I don't -- as</p> <p>13 far as I know, we weren't participating in them.</p> <p>14 I wouldn't be surprised if there was some calls</p> <p>15 going on, but I don't recall. The intel</p> <p>16 community doesn't tell community things when I</p> <p>17 was involved in that.</p> <p>18 Q. Why don't I e-mail you another</p> <p>19 exhibit, 27.</p> <p>20 MR. GARDNER: John, if you just</p> <p>21 spoke, I couldn't hear you, but sound wasn't</p> <p>22 coming through.</p> <p>23 MR. SAUER: I'm sorry. Yeah,</p> <p>24 actually, I'm going to skip that one. I meant</p> <p>25 Exhibit 23, which I'm now e-mailing you.</p> | <p>1 precedential election that saw a proliferation</p> <p>2 of misleading online information; correct?</p> <p>3 A. Yeah, that's what the article says.</p> <p>4 Q. Were you aware of efforts to beef</p> <p>5 up the misinformation team in November of '21?</p> <p>6 A. No, not specific efforts. I was</p> <p>7 over at the National Security Council at the</p> <p>8 time.</p> <p>9 Q. When did you come back from that</p> <p>10 detail?</p> <p>11 A. The detail officially ended in</p> <p>12 early March, and I took some leave and started</p> <p>13 back at CISA in early to mid April.</p> <p>14 Q. And the director says in the next</p> <p>15 paragraph: I'm actually going to grow and</p> <p>16 strengthen my misinformation and disinformation</p> <p>17 team; do you see that?</p> <p>18 A. I do.</p> <p>19 Q. I know you were on detail then, are</p> <p>20 you aware of efforts to grow and strengthen the</p> <p>21 team, for example, by adding new people?</p> <p>22 A. Again as I mentioned earlier in my</p> <p>23 testimony, my understanding is there was some</p> <p>24 budget increase that was proposed. I don't -- I</p> <p>25 don't know if that moved forward or not, from</p> |

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|---|--|
| <p style="text-align: right;">Page 337</p> <p>1 the department.</p> <p>2 Q. Is the -- do these remarks coincide</p> <p>3 with what you said was kind of the high point,</p> <p>4 when you had 15 people on the MDM team, was that</p> <p>5 around, you know, November 2021?</p> <p>6 A. It's hard to say for sure. I'm</p> <p>7 not -- I'm not sure how they're counting</p> <p>8 positions. So I don't think we ever had 15</p> <p>9 federal employees. So there's, you know, it</p> <p>10 seems to me like they were probably counting</p> <p>11 contract support, so -- so it's hard for me to</p> <p>12 say exactly when that would have been.</p> <p>13 Q. You say there was, in this</p> <p>14 timeframe, some attempt to get budget authority</p> <p>15 to add people to the MDM team?</p> <p>16 A. It was my understanding that there</p> <p>17 was a request for additional funds made to the</p> <p>18 budget. But again, I don't know, the budget</p> <p>19 process is a little bit of a mystery to me, so</p> <p>20 I'm not sure what exactly happened along the</p> <p>21 way, if it ended up in the -- you know, in the</p> <p>22 budget requests or what.</p> <p>23 Q. The next paragraph says that</p> <p>24 Easterly noted that earlier this week she had a</p> <p>25 meeting with six of the nation's experts in that</p> | <p style="text-align: right;">Page 339</p> <p>1 and those are the critical infrastructure</p> <p>2 factors we look to protect. So we wouldn't</p> <p>3 include cognitive infrastructure in that list.</p> <p>4 Q. One of them is election</p> <p>5 infrastructure; is that right?</p> <p>6 A. Election infrastructure is actually</p> <p>7 a subsector of the government's stability</p> <p>8 structure.</p> <p>9 Q. So if someone posts information on</p> <p>10 social media implying that, you know, ballots</p> <p>11 were being shredded by poll workers, what</p> <p>12 infrastructure is that a threat to?</p> <p>13 MR. GARDNER: Objection, calls for</p> <p>14 a hypothetical.</p> <p>15 A. Yeah, I would rather not answer</p> <p>16 hypotheticals.</p> <p>17 Q. You have no instruction not to</p> <p>18 answer, please answer the question.</p> <p>19 MR. GARDNER: Same objection.</p> <p>20 A. Yeah, I'm not answering a</p> <p>21 hypothetical.</p> <p>22 Q. Please answer the questions. If</p> <p>23 someone posts on social media --</p> <p>24 A. Can you give me an example of the</p> <p>25 post?</p> |
| <p style="text-align: right;">Page 338</p> <p>1 misinformation and disinformation space; do you</p> <p>2 see that?</p> <p>3 A. I do.</p> <p>4 Q. Do you know who she met with?</p> <p>5 A. I don't.</p> <p>6 Q. Do you know who are six of the</p> <p>7 nation's experts in disinformation and</p> <p>8 misinformation?</p> <p>9 A. I mean, I could come up with a list</p> <p>10 of experts. I don't know if that's who she met</p> <p>11 with.</p> <p>12 Q. She stressed her concerns around</p> <p>13 this being a top threat for CISA; correct?</p> <p>14 A. That's what the article says, yep.</p> <p>15 Q. And it goes on to quote her,</p> <p>16 saying: One could argue we're in the business</p> <p>17 of critical infrastructure, and the most</p> <p>18 critical infrastructure is our cognitive</p> <p>19 infrastructure; correct?</p> <p>20 A. That's what the quote says, yep.</p> <p>21 Q. Do you -- do you -- do you -- does</p> <p>22 the MDM team view protecting our cognitive</p> <p>23 infrastructure as part of its mission?</p> <p>24 A. No. We look at the -- again, the</p> <p>25 international policy there's, like, 16 sectors,</p> | <p style="text-align: right;">Page 340</p> <p>1 Q. If you look at all the posts we</p> <p>2 looked at earlier in your e-mails, where, for</p> <p>3 example, suppose someone posts the hammer and</p> <p>4 scorecard conspiracy on social media, and</p> <p>5 Director Krebs tells you to reach out to social</p> <p>6 media platforms to see what they're doing about</p> <p>7 it, how does the posting about the hammer and</p> <p>8 scorecard narrative on social media threaten</p> <p>9 critical infrastructure?</p> <p>10 A. So it -- so generally speaking,</p> <p>11 this mis, mal-information threatens critical</p> <p>12 infrastructure in a number of ways, it could be</p> <p>13 operational impact, so in the case of the</p> <p>14 elections, disrupting election operations,</p> <p>15 things along those lines. It could be human</p> <p>16 impact, so again, see election example, there's</p> <p>17 a lot of threats of violence made against</p> <p>18 election officials, making it harder to do their</p> <p>19 jobs.</p> <p>20 So a multitude of ways that</p> <p>21 disinformation could impact critical</p> <p>22 infrastructure, like I said, we -- you know,</p> <p>23 there's financial, there's reputational, there's</p> <p>24 just a multitude of ways that this</p> <p>25 disinformation could affect critical</p> |

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| <p>1 infrastructure.</p> <p>2 Q. Does infrastructure have a</p> <p>3 reputational interest?</p> <p>4 A. Does infrastructure have a</p> <p>5 reputational interest?</p> <p>6 MR. GARDNER: Objection, vague.</p> <p>7 THE WITNESS: Yeah, could you be a</p> <p>8 little more specific.</p> <p>9 BY MR. SAUER:</p> <p>10 Q. You just used the word, you said</p> <p>11 there's financial, there's reputational, what do</p> <p>12 you mean by that? What is the reputational</p> <p>13 threat to critical infrastructure from social</p> <p>14 media postings?</p> <p>15 A. Well, I wouldn't -- I wasn't saying</p> <p>16 specifically from social media postings. I was</p> <p>17 saying from fraud, from mis, dis and</p> <p>18 mal-information, a reputational risk could come</p> <p>19 about if the integrity or the public confidence</p> <p>20 in a particular sector was critical to that</p> <p>21 sector's functioning.</p> <p>22 So I think the financial services</p> <p>23 would probably be a good example. So if there's</p> <p>24 a loss of confidence by the American public in</p> <p>25 financial services, financial systems of the</p> | <p>1 financial services industry?</p> <p>2 A. So again, our mission is to build</p> <p>3 resilience. And so we would work -- if the</p> <p>4 financial services sector wanted us to work with</p> <p>5 them, to develop products to help them</p> <p>6 understand how mis, dis and mal-information</p> <p>7 could impact their -- their sector, we would --</p> <p>8 we would work with them on that yes.</p> <p>9 Q. What sorts of mis, dis and</p> <p>10 mal-information might undermine confidence in</p> <p>11 the financial services?</p> <p>12 A. I don't know. We haven't -- we</p> <p>13 haven't dealt with that. We're not financial</p> <p>14 services experts, so we generally defer to a</p> <p>15 department or agency.</p> <p>16 So in this case, Treasury, the</p> <p>17 sector risk management agency responsible for</p> <p>18 the financial services sector, so our expertise</p> <p>19 with the MDM team is understanding MDM and</p> <p>20 potentially to mitigate risks and to build</p> <p>21 resilience, and so we wouldn't be the experts on</p> <p>22 the actual financial services MDM.</p> <p>23 Q. So everything you just said about</p> <p>24 the financial services was a lengthy</p> <p>25 hypothetical?</p> |
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| <p>1 United States, that could create national</p> <p>2 security concerns.</p> <p>3 Q. Explain that to me, how would a</p> <p>4 loss of confidence in the financial system</p> <p>5 create national security concerns?</p> <p>6 A. Lots of ways, you can have runs on</p> <p>7 banks, such as the banking, you could have, you</p> <p>8 know, other sorts of issues related to that, so</p> <p>9 yeah, so there's -- you know, if there's a loss</p> <p>10 of confidence, if there's a run on banks and</p> <p>11 there's a run on the financial systems, those</p> <p>12 sorts of things can create physical harms,</p> <p>13 operational harms.</p> <p>14 So again, if we go back to the list</p> <p>15 of potential harms, the reputational could lead</p> <p>16 to operational, right? So banks could be</p> <p>17 overwhelmed with people showing up trying to</p> <p>18 take money out. They could be overwhelmed with</p> <p>19 people showing up elsewhere at other facilities</p> <p>20 and disrupt our operations. So it's a full</p> <p>21 range of potential risks. A lot of these are</p> <p>22 cascading, and so, yeah.</p> <p>23 Q. So is it part of the MDM team's job</p> <p>24 and CISA's job to counter disinformation that</p> <p>25 creates reputational risks to, for example, the</p> | <p>1 A. Like I said, I don't like getting</p> <p>2 into hypotheticals.</p> <p>3 Q. You did for awhile, there.</p> <p>4 Scrolling down in the same</p> <p>5 document, it says -- there's a quote from</p> <p>6 Director Easterly, where she says now --</p> <p>7 MR. GARDNER: Sorry, hold on.</p> <p>8 MR. SAUER: Can you guys hear me</p> <p>9 now?</p> <p>10 MR. GARDNER: Yeah.</p> <p>11 MR. SAUER: Okay.</p> <p>12 BY MR. SAUER:</p> <p>13 Q. Quote from Director Easterly, we</p> <p>14 now live in a world where people talk about</p> <p>15 alternative facts, post truth, which I think is</p> <p>16 really, really dangerous, if you get to pick</p> <p>17 your own facts, and it's particularly corrosive</p> <p>18 when you talk about matters of election</p> <p>19 security; right?</p> <p>20 A. That's the quote, yeah.</p> <p>21 Q. And is that kind of consistent with</p> <p>22 what the MDM team does, it tries to prevent a</p> <p>23 situation where Americans get to pick their own</p> <p>24 facts?</p> <p>25 MR. GARDNER: Objection, vague.</p> |

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|--|---|
| <p>1 A. I -- I -- that's -- no, that's not</p> <p>2 consistent with what we do.</p> <p>3 Q. So that's -- that's not a -- you</p> <p>4 don't think Director Easterly's description is</p> <p>5 very fair?</p> <p>6 MR. GARDNER: Objection,</p> <p>7 mischaracterizes the witness's previous</p> <p>8 testimony.</p> <p>9 A. Yeah, if I understand your question</p> <p>10 you said that CISA played a role in alternate</p> <p>11 facts and post truths and things like that, and</p> <p>12 CISA does not do that sort of thing.</p> <p>13 MR. SAUER: Sending you a few more</p> <p>14 exhibits by e-mail. You should be getting two</p> <p>15 e-mails, the first one with three attachments,</p> <p>16 and the second one with one.</p> <p>17 It may take a minute. It's loading</p> <p>18 slowly on my end. Okay. I'm opening Exhibit</p> <p>19 49, and I'll put that on the screen share.</p> <p>20 (Exhibit No. 49 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. SAUER:</p> <p>23 Q. Did you give an interview to the</p> <p>24 Berkman Klein Center on June 18th of 2020?</p> <p>25 A. I don't recall the specific date,</p> | <p>1 media, is that a form of engagement?</p> <p>2 A. Yep.</p> <p>3 Q. How about just reading it, is that</p> <p>4 a form of engagement?</p> <p>5 A. No.</p> <p>6 Q. So if you're reading disinformation</p> <p>7 is not engagement with it?</p> <p>8 A. Correct.</p> <p>9 Q. But -- but so engagement is taking</p> <p>10 some affirmative step further, like you said,</p> <p>11 amplify, like, repost, that's kind of</p> <p>12 disinformation, in your view, I'm sorry, that's</p> <p>13 engagement; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it's part of CISA's or the --</p> <p>16 CISA's job to try to reduce the amount that that</p> <p>17 happens; right?</p> <p>18 A. I wouldn't characterize it that</p> <p>19 way. I would say the ultimate goal of building</p> <p>20 resilience is that people are less likely to</p> <p>21 amplify mis and disinformation.</p> <p>22 Q. And that's what you're trying to do</p> <p>23 at the MDM team, is reduce the amount that</p> <p>24 Americans engage with disinformation?</p> <p>25 A. Yeah, through public awareness and</p> |
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| <p>1 but I did give them an interview, so that's</p> <p>2 probably about right.</p> <p>3 Q. And this is an interview by The</p> <p>4 Breakdown. And do you recall doing this</p> <p>5 interview?</p> <p>6 A. I do.</p> <p>7 Q. On the third page of the document,</p> <p>8 you say: For us, in particular -- oops, it</p> <p>9 didn't highlight well -- for us, in particular,</p> <p>10 you see here, it's the second bullet -- for us,</p> <p>11 in particular, we're trying to reduce the amount</p> <p>12 that Americans engage with disinformation;</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Is that -- to your mind, is that a</p> <p>16 good summary of what the MDM team does, it tries</p> <p>17 to reduce the amount that Americans engage with</p> <p>18 disinformation?</p> <p>19 A. That's the general idea behind</p> <p>20 resilience-building, yeah.</p> <p>21 Q. What is engaging with</p> <p>22 disinformation?</p> <p>23 A. Amplifying it, re-tweeting it,</p> <p>24 resending it, things like that.</p> <p>25 Q. How about liking it on social</p> | <p>1 public engagement and things like that, yep.</p> <p>2 Q. The last page of the document, you</p> <p>3 say -- here there's a paragraph where you say:</p> <p>4 The question is, we have people calling for more</p> <p>5 monitoring of speech on platforms. And then you</p> <p>6 go on to say: We have to built the platforms</p> <p>7 that this is a lie and they need to take it down</p> <p>8 or we're asking the platforms to do that; right?</p> <p>9 A. Yeah, that's what -- that's what</p> <p>10 the quote is, yep.</p> <p>11 Q. Okay. Is that, in fact, what the</p> <p>12 MDM team is doing or I guess it was countering</p> <p>13 foreign influence task force team was doing in</p> <p>14 2020 when it was routing disinformation concerns</p> <p>15 to Facebook, were you telling them to --</p> <p>16 A. No.</p> <p>17 Q. Go ahead.</p> <p>18 A. No. Essentially what this quote is</p> <p>19 saying is that in the general conversation about</p> <p>20 how to address mis and disinformation there are</p> <p>21 a lot of people saying that we should -- the</p> <p>22 government should be the ones taking things</p> <p>23 down, or the government should be asking the</p> <p>24 platforms to do certain things, and that's not</p> <p>25 necessarily the right spot for government to be.</p> |

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|--|---|
| <p>1 Q. So when you say: We have to tell</p> <p>2 the platforms that this is a lie and they need</p> <p>3 to take it down, you're attributing that view to</p> <p>4 other people, not yourself?</p> <p>5 A. Yeah, so that's generally what we</p> <p>6 hear a lot, you go out and you talk to different</p> <p>7 groups about disinformation that's just a common</p> <p>8 theme that we would hear from people that we</p> <p>9 should be doing.</p> <p>10 And as I mentioned, the rest of the</p> <p>11 quote is -- is -- it's just not a question of</p> <p>12 what we should be doing. There's lots of issues</p> <p>13 and things like that there. So that's what I</p> <p>14 was trying to get across there.</p> <p>15 (Exhibit No. 52 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. SAUER:</p> <p>18 Q. Exhibit 52.</p> <p>19 A. 52? I've got it.</p> <p>20 MR. SAUER: How long have we been</p> <p>21 on the record.</p> <p>22 MR. SCOTT: So I have an unofficial</p> <p>23 tally of six hours and 32 minutes.</p> <p>24 MR. SAUER: Okay. Exhibit --</p> <p>25 MR. GARDNER: I agree.</p> | <p>1 reached out, but CISA obviously, as we discussed</p> <p>2 earlier, has points of contact in various social</p> <p>3 media companies.</p> <p>4 Q. Does that happen from time to time,</p> <p>5 that other agencies would reach out to CISA and</p> <p>6 say: Can you put us in touch with a social</p> <p>7 media contact?</p> <p>8 A. It's -- it's happened a couple</p> <p>9 times. I don't -- I don't -- I don't recall how</p> <p>10 many, and it's -- it's been awhile, I think,</p> <p>11 but -- so if that qualifies as time to time.</p> <p>12 Q. Do you know what Lauren Protentis</p> <p>13 meant when she talked about social media</p> <p>14 influence matters, do you know what that means?</p> <p>15 MR. GARDNER: Objection, calls for</p> <p>16 speculation.</p> <p>17 A. Yeah, I don't know what she means.</p> <p>18 Q. Were you on detail when this e-mail</p> <p>19 was sent?</p> <p>20 A. I was.</p> <p>21 Q. Do you remember any discussions</p> <p>22 with anyone about the Department of Treasury</p> <p>23 reaching out to discuss -- I'm sorry -- wanting</p> <p>24 to be put in place in contact with social media</p> <p>25 platforms?</p> |
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| <p>1 BY MR. SAUER:</p> <p>2 Q. Exhibit 52, if we go in this</p> <p>3 e-mail -- excuse me, there's an e-mail from</p> <p>4 Lauren Protentis copying Allison Snell and Geoff</p> <p>5 Hale and Rob Schaul to a contact at Google; do</p> <p>6 you see that?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. And she says, this is in February</p> <p>9 17th of 2022; do you see that?</p> <p>10 A. I do.</p> <p>11 Q. And she says: Hi Richard, I hope</p> <p>12 this e-mail finds you well. The Department of</p> <p>13 Treasury has asked our team for an appropriate</p> <p>14 POCs -- I assume that means points of contact --</p> <p>15 to discuss social media and influence matters.</p> <p>16 We would like to make a connection to Google, if</p> <p>17 you're amenable; do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What -- do you know why Treasury</p> <p>20 reached out to CISA to get a contact for -- at</p> <p>21 social media platforms to discuss social media</p> <p>22 and influence matters?</p> <p>23 MR. GARDNER: Objection, lack of</p> <p>24 foundation.</p> <p>25 A. I -- I don't know why Treasury</p> | <p>1 A. I don't, no.</p> <p>2 Q. There's a follow up e-mail from</p> <p>3 Ms. Protentis, saying: Apologies for the second</p> <p>4 e-mail, this is somewhat time sensitive. Do you</p> <p>5 know why Treasury was raising a time sensitive</p> <p>6 concern -- concern?</p> <p>7 MR. GARDNER: Objection, calls for</p> <p>8 speculation.</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know if Treasury ever</p> <p>11 connected with the social media platform?</p> <p>12 A. I don't know.</p> <p>13 (Exhibit No. 46 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. SAUER:</p> <p>16 Q. I'm pulling up Exhibit 46. It</p> <p>17 should be in the second e-mail I sent you a</p> <p>18 moment ago.</p> <p>19 A. I got it.</p> <p>20 Q. Here's a draft report to the CISA</p> <p>21 director, dated June 22nd, 2022; correct?</p> <p>22 A. Yes.</p> <p>23 Q. This is from the CISA cyber</p> <p>24 security advisory committee; correct?</p> <p>25 A. It appears so, yep.</p> |

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|---|--|
| <p>1 Q. I believe you said in your</p> <p>2 interrogatory responses that this also has an</p> <p>3 MDM subcommittee; is that right?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. Do you participate in those</p> <p>6 committees, either the security advisory</p> <p>7 committee or the MDM subcommittee?</p> <p>8 A. I don't.</p> <p>9 Q. Who participates from -- does</p> <p>10 anyone participate from the MDM team in those --</p> <p>11 those committees?</p> <p>12 A. Not from the MDM team, no.</p> <p>13 Q. So no one on the MDM team</p> <p>14 participates in the committees?</p> <p>15 A. No.</p> <p>16 Q. Who from CISA participates, do you</p> <p>17 know?</p> <p>18 A. Kim Wyman is, as I mentioned</p> <p>19 earlier, I think, that was one of her</p> <p>20 responsibilities, and then Geoff Hale</p> <p>21 participated.</p> <p>22 Q. And then who else, from outside</p> <p>23 CISA, participates in these meetings?</p> <p>24 MR. GARDNER: Objection, lack of</p> <p>25 foundation.</p> | <p>1 A. Correct.</p> <p>2 Q. So the advisory committee is</p> <p>3 recommending that CISA focus on election-related</p> <p>4 disinformation; right?</p> <p>5 MR. GARDNER: Objection, lack of</p> <p>6 foundation.</p> <p>7 A. That's how I would read that</p> <p>8 sentence, correct.</p> <p>9 Q. Okay. Second bullet point says:</p> <p>10 MD that undermines critical functions carried</p> <p>11 out by other key democratic institutions, such</p> <p>12 as the courts or by other sectors, such as the</p> <p>13 financial system or public health measures;</p> <p>14 right?</p> <p>15 A. That's what it says, yep.</p> <p>16 Q. You talked about the financial</p> <p>17 system, earlier, and interestingly that's raised</p> <p>18 in this recommendation. Are you aware of CISA</p> <p>19 doing anything to address MD that undermines the</p> <p>20 financial system?</p> <p>21 A. So we've -- as I mentioned earlier,</p> <p>22 we -- we're working with Treasury to develop a</p> <p>23 product to help the financial services sector</p> <p>24 understand MDM risks to the sector.</p> <p>25 Q. What risks have there been to that</p> |
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| <p>1 A. I don't know who's -- I don't know</p> <p>2 who's in the -- the participant list. I believe</p> <p>3 it's all publicly available online.</p> <p>4 Q. Turning to the second page of this</p> <p>5 document.</p> <p>6 A. Okay. Recommendations?</p> <p>7 Q. Yeah. First bullet point, do you</p> <p>8 see there, it says: CISA should focus on MD --</p> <p>9 I assume that's mis and disinformation?</p> <p>10 A. Is that a question?</p> <p>11 Q. Yeah. Is that --</p> <p>12 MR. GARDNER: Objection, calls for</p> <p>13 speculation, lack of foundation.</p> <p>14 BY MR. SAUER:</p> <p>15 Q. Does MD refer to mis and</p> <p>16 disinformation?</p> <p>17 A. In the context, I would say that it</p> <p>18 does, but I don't -- I don't know what they</p> <p>19 meant by it.</p> <p>20 Q. It says: CISA should focus on MD</p> <p>21 that risks undermining critical functions of</p> <p>22 American society, including sub-bullet one, MD</p> <p>23 that suppresses election participation or</p> <p>24 falsely undermines confidence in election</p> <p>25 procedures and outcomes; correct?</p> | <p>1 sector? And I don't remember any runs on banks,</p> <p>2 you know, recently, what risks?</p> <p>3 A. So again, as I mentioned earlier,</p> <p>4 we're not the experts in financial services, so</p> <p>5 we, you know, depend on the financial services</p> <p>6 sector to kind of work us through, help us work</p> <p>7 through what those risks are, we're pretty early</p> <p>8 in the process, so we're still kind of working</p> <p>9 through those sorts of questions.</p> <p>10 Q. Do you know what, what was the</p> <p>11 impetus for doing that product in the first</p> <p>12 place? Was someone worried about MDM that would</p> <p>13 undermine financial services?</p> <p>14 A. I -- I don't -- I don't know why</p> <p>15 Treasury reached out to us and discussed that, I</p> <p>16 don't recall.</p> <p>17 Q. Is that unrelated to the last</p> <p>18 e-mail we saw, where they wanted to talk to</p> <p>19 social media platforms about social media and</p> <p>20 influence matters?</p> <p>21 MR. GARDNER: Objection, calls for</p> <p>22 speculation, lack of foundation.</p> <p>23 A. Yeah, I don't know. I don't know</p> <p>24 if the two are connected.</p> <p>25 Q. Okay. The bottom of the same page,</p> |

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|---|---|
| <p>1 there's a bullet recommending that CISA should</p> <p>2 consider MD across the information ecosystem;</p> <p>3 right?</p> <p>4 A. Yep.</p> <p>5 Q. And it goes down in the second</p> <p>6 sub-bullet there, it says: CISA should approach</p> <p>7 the MD problems with the entire information</p> <p>8 ecosystem in mind, this includes social media</p> <p>9 platforms of all sizes, mainstream media, cable</p> <p>10 news, hyper partisan media, talk radio and other</p> <p>11 online resources; do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Has CISA been taking steps to</p> <p>14 consider or address misinformation in these</p> <p>15 other venues, besides social media, for example,</p> <p>16 mainstream media?</p> <p>17 A. No. What I would say is that,</p> <p>18 generally speaking, we -- we -- I believe it's</p> <p>19 generally too much of a focus on just the social</p> <p>20 media platform, and MDM that kind of flows</p> <p>21 through social media. When potentially it's MDM</p> <p>22 that flows through all different sources of</p> <p>23 media communication.</p> <p>24 So that's kind of how we think</p> <p>25 about it, we try not to just focus on MDM, but</p> | <p>1 approach the MDM problem, you know, with a whole</p> <p>2 information universe in mind, including</p> <p>3 mainstream media, cable news, hyper partisan</p> <p>4 media, talk radio, and other online resources?</p> <p>5 MR. GARDNER: Objection, form.</p> <p>6 A. What I would say, from a</p> <p>7 resilience-building standpoint, we generally</p> <p>8 don't -- try not to hone too much on any one</p> <p>9 particular medium for communication. There's</p> <p>10 obviously tactics that fall across multiple, but</p> <p>11 we don't generally try to hone in on any one in</p> <p>12 particular.</p> <p>13 (Exhibit No. 59 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. SAUER:</p> <p>16 Q. I'm pulling up Exhibit 59.</p> <p>17 A. Okay.</p> <p>18 Q. And then here's a cyber security</p> <p>19 advisory committee e-mail to a group, I assume</p> <p>20 it's the committee members; does that look right</p> <p>21 to you or do you not know?</p> <p>22 MR. GARDNER: Objection, lack of</p> <p>23 foundation, calls for speculation.</p> <p>24 A. Yeah, I don't -- I don't know who</p> <p>25 all the members are, so it would be hard for me</p> |
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| <p>1 we don't do anything counter to your point.</p> <p>2 Again, we built resilience helping people</p> <p>3 understand what's going on and how to mitigate</p> <p>4 the risks.</p> <p>5 Q. Do you try to build resilience to</p> <p>6 MDM on -- in cable news?</p> <p>7 A. I mean, generically speaking, all</p> <p>8 of our resilience activity would be useful</p> <p>9 regardless of how -- we try to make it as broad</p> <p>10 as possible so it's applicable anywhere that</p> <p>11 somebody may come across MDM.</p> <p>12 Q. How about hyper partisan media,</p> <p>13 what does that mean, do you know?</p> <p>14 MR. GARDNER: Objection, calls for</p> <p>15 speculation.</p> <p>16 A. I don't know what it's meant in</p> <p>17 this context, but again, we try to be general</p> <p>18 enough in our kind of guidance to help people</p> <p>19 understand.</p> <p>20 We're essentially agnostic of where</p> <p>21 it's coming from, we just want people to be able</p> <p>22 to understand where -- what it is, how it works,</p> <p>23 and things they can do to mitigate those risks.</p> <p>24 Q. I take it, then, the MDM team would</p> <p>25 agree with this recommendation that CISA should</p> | <p>1 to say if that's the case.</p> <p>2 Q. Here's some people that are copied</p> <p>3 on this e-mail from the CISA cyber security</p> <p>4 advisory committee e-mail, the first one is Kate</p> <p>5 Starbird; right?</p> <p>6 A. Yeah.</p> <p>7 Q. Do you know who she is?</p> <p>8 A. She's a professor at the University</p> <p>9 of Washington.</p> <p>10 Q. She was involved in the Election</p> <p>11 Integrity Partnership that we talked about</p> <p>12 earlier; right?</p> <p>13 A. I believe so, yeah.</p> <p>14 Q. Next one is Vijaya Gadde or Gadde,</p> <p>15 do you know who she is?</p> <p>16 A. I don't know.</p> <p>17 Q. Was she a senior official at</p> <p>18 Twitter, at the time, do you know?</p> <p>19 MR. GARDNER: Objection, calls for</p> <p>20 speculation.</p> <p>21 A. I don't know.</p> <p>22 Q. I see you've got Kim Wyman and</p> <p>23 Geoff Hale on this e-mail. They were the two</p> <p>24 that you testified earlier are involved in the</p> <p>25 cyber security advisory committee for CISA;</p> |

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| <p>1 right?</p> <p>2 A. Yep.</p> <p>3 Q. And then lower down, there's a list</p> <p>4 of -- we have identified a list of potential</p> <p>5 subject matter experts to potentially brief at</p> <p>6 our biweekly meetings, bios attached; do you see</p> <p>7 that?</p> <p>8 A. I do.</p> <p>9 Q. So -- and that's a list of, I take</p> <p>10 it, experts who would provide briefings at the</p> <p>11 advisory committee's meetings; is that how you</p> <p>12 read that?</p> <p>13 MR. GARDNER: Objection, lack of</p> <p>14 foundation, calls for speculation.</p> <p>15 A. So the paragraph reads: Identify a</p> <p>16 list of subject matter experts. Please be</p> <p>17 prepared to provide your feedback. I'm sorry,</p> <p>18 what was your question again?</p> <p>19 Q. Let me just ask: Is the third</p> <p>20 expert on the list is Renée DiResta; right?</p> <p>21 A. Yeah.</p> <p>22 Q. And she's at Stanford Internet</p> <p>23 Observatory; right?</p> <p>24 A. Correct.</p> <p>25 Q. You were involved in conversations</p> | <p>1 5:53 p.m. We're back on the record.</p> <p>2 MR. SAUER: Are we back on the</p> <p>3 record?</p> <p>4 THE VIDEOGRAPHER: Yes.</p> <p>5 MR. SAUER: Oh, sorry.</p> <p>6 (Exhibit No. 19 was marked for</p> <p>7 identification.)</p> <p>8 BY MR. SAUER:</p> <p>9 Q. Exhibit 19, I put it on the screen</p> <p>10 share.</p> <p>11 Here's a proposal from CIS, Center</p> <p>12 For Internet Security, to create an election</p> <p>13 misinformation reporting portal, and it talks</p> <p>14 about the benefits to election officials being</p> <p>15 in a single place for reporting mis and</p> <p>16 disinformation across multiple social media</p> <p>17 platforms.</p> <p>18 Do you know if this proposal was</p> <p>19 ever implemented to create a single election</p> <p>20 misinformation reporting portal?</p> <p>21 A. I -- I don't know. I'm not</p> <p>22 entirely sure. I don't know that I've seen</p> <p>23 this, I don't know if I've seen this proposal</p> <p>24 before, so I'm not certain.</p> <p>25 Q. So you don't know?</p> |
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| <p>1 with her, because she was a part of the Election</p> <p>2 Integrity Partnership; right?</p> <p>3 A. We should have Stanford Internet</p> <p>4 Observatory, we were certainly involved in</p> <p>5 conversations with her, as I talked about</p> <p>6 earlier.</p> <p>7 Q. And those conversations were</p> <p>8 related to the commencement of the Election</p> <p>9 Integrity Partnership; right?</p> <p>10 A. I -- I don't know if she was</p> <p>11 involved in the early conversations, before it</p> <p>12 stood up. I know Stamos was there, I don't know</p> <p>13 if Renée was there in those early conversations.</p> <p>14 Q. Was she in some conversations</p> <p>15 between -- with you about the EIP?</p> <p>16 A. As I mentioned before, she briefed</p> <p>17 us about the 2022 EIP work. I don't recall</p> <p>18 conversations in 2020, but again, it wouldn't</p> <p>19 surprise me if she was involved in those.</p> <p>20 MR. SAUER: Let's go off the</p> <p>21 record.</p> <p>22 THE VIDEOGRAPHER: The time is now</p> <p>23 5:46 p.m. We are off the record.</p> <p>24 (Recess.)</p> <p>25 THE VIDEOGRAPHER: The time is now</p> | <p>1 A. It sounds like what they were</p> <p>2 trying to do, that we discussed earlier, but I</p> <p>3 don't know to what extent it was, to your</p> <p>4 question, to what extent it was stood up or</p> <p>5 established.</p> <p>6 Q. You don't know to what extent that</p> <p>7 CIS managed to implement this proposal for an</p> <p>8 elections misinformation reporting portal?</p> <p>9 A. Yeah, or if they -- if they did it</p> <p>10 at all.</p> <p>11 (Exhibit No. 21 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. SAUER:</p> <p>14 Q. Exhibit 21, it's on the screen</p> <p>15 share, this is a CNN political report, September</p> <p>16 of 2022. If you go to the third -- fourth page</p> <p>17 of the document, in this report it says: While</p> <p>18 the anti-doxing and foreign influence parts of</p> <p>19 the proposal remain stalled, work on the online,</p> <p>20 quote, portal for election officials to flag</p> <p>21 misinformation to social media platforms</p> <p>22 predated the proposal and continues today,</p> <p>23 according to people familiar with it.</p> <p>24 So are you aware of ongoing work,</p> <p>25 at least as of September of 2022, to set up an</p> |

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|--|---|
| <p>1 online portal for election officials to flag</p> <p>2 misinformation to social media platforms.</p> <p>3 A. So I think as I testified to</p> <p>4 earlier, my understanding is that CIS did do</p> <p>5 something along the lines, I just don't know the</p> <p>6 extent of it.</p> <p>7 Q. And you don't know whether or when</p> <p>8 it -- it might be completed?</p> <p>9 A. Correct.</p> <p>10 (Exhibit No. 24 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. SAUER:</p> <p>13 Q. Exhibit 24, here's a CISA bulletin</p> <p>14 that's on your website called --</p> <p>15 A. Mm-hmm.</p> <p>16 Q. -- misinformation, you go to the</p> <p>17 third page.</p> <p>18 A. Correct.</p> <p>19 Q. Are you familiar with this</p> <p>20 bulletin?</p> <p>21 A. Actually, I think this may be our</p> <p>22 website. I'm not sure if it's a bulletin.</p> <p>23 Q. It is on your website. I don't</p> <p>24 know if it's a bulletin, either.</p> <p>25 Let me ask you this: Here on the</p> | <p>1 A. No. Like I said earlier, we didn't</p> <p>2 do this in 2022, so we should change that to</p> <p>3 served. Thank you for finding that.</p> <p>4 Q. And I take it you -- you testified</p> <p>5 earlier that that decision was made in late</p> <p>6 April or early May of 2022?</p> <p>7 A. That's my recollection.</p> <p>8 Q. Do you know why the decision was</p> <p>9 made?</p> <p>10 A. I don't, but as I also mentioned,</p> <p>11 it was something that we were comfortable with,</p> <p>12 from the MDM team perspective, because of heavy</p> <p>13 burden on our resources.</p> <p>14 Q. You anticipate serving in a</p> <p>15 switchboard in the future or do you not know</p> <p>16 whether you will?</p> <p>17 A. That's not my decision to make,</p> <p>18 so -- so I don't want to speak on behalf of the</p> <p>19 director or future directors.</p> <p>20 Q. You don't know what the director's</p> <p>21 plans are for the future when it comes to</p> <p>22 serving as a switchboard for routing</p> <p>23 disinformation concerns?</p> <p>24 A. I don't know what direct --</p> <p>25 Director Easterly's position is, and obviously I</p> |
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| <p>1 third page, it says: Bridging election</p> <p>2 stakeholders and social media, and under there</p> <p>3 it says: The MDM team serves as a switchboard</p> <p>4 for routing disinformation concerns to</p> <p>5 appropriate social media platforms and law</p> <p>6 enforcement; correct.</p> <p>7 A. It does, yep.</p> <p>8 Q. You guys refer stuff to law</p> <p>9 enforcement, too?</p> <p>10 A. Yes, if there was -- particularly</p> <p>11 if there was violence, promoted in whatever was</p> <p>12 sent to us from an election official.</p> <p>13 Q. Anything else involved that would</p> <p>14 be reported to law enforcement, other than</p> <p>15 threats of violence?</p> <p>16 A. So we would generally share</p> <p>17 whatever we received from the election officials</p> <p>18 with the FBI, in case there was an ongoing</p> <p>19 investigation related to whatever it was that we</p> <p>20 forwarded to them.</p> <p>21 Q. And is this still true, I mean,</p> <p>22 it's on your website today, is it still true</p> <p>23 that the MDM team serves as a switchboard for</p> <p>24 routing disinformation concerns to appropriate</p> <p>25 social media platforms?</p> | <p>1 wouldn't know any future director's position on</p> <p>2 that, either.</p> <p>3 (Exhibit No. 6 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. SAUER:</p> <p>6 Q. Exhibit 6?</p> <p>7 A. Okay.</p> <p>8 Q. Here's a public comments by Renée</p> <p>9 DiResta about -- about the Election Integrity</p> <p>10 Project. And let me put it on the screen share.</p> <p>11 On the third page, call -- which is</p> <p>12 called page 2 of the transcript, she talks -- or</p> <p>13 sorry, it's quoting Alex Stamos, saying that the</p> <p>14 EIP started with our team at Stanford sending a</p> <p>15 group of interns to work with CISA; right? Do</p> <p>16 you see that?</p> <p>17 A. Yep.</p> <p>18 Q. It talks about the sort of stuff we</p> <p>19 talked about the gap earlier, about how there's</p> <p>20 a lack of capability, about disinformation.</p> <p>21 But Stamos says they lack a funding</p> <p>22 and legal authorization to do the kinds of work</p> <p>23 that will be necessary to truly understand how</p> <p>24 election disinformation was operated; correct?</p> <p>25 A. That's what he says, yep.</p> |

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|---|--|
| <p>1 Q. And he goes on to say: Our</p> <p>2 partners in government, most particularly those</p> <p>3 in CISA and DHS, but also state and local</p> <p>4 governments whom we worked with; correct?</p> <p>5 A. He says that, yes.</p> <p>6 Q. Were CISA and DHS partners of the</p> <p>7 EIP, in your view?</p> <p>8 A. We generally describe any external</p> <p>9 organization that we have a relationship as a</p> <p>10 partner. So I think that probably, you know --</p> <p>11 so yeah.</p> <p>12 Q. Okay. So in a sense that you were</p> <p>13 a partner of the EIP, fair to say?</p> <p>14 A. Again, we would say that of any</p> <p>15 external entity that we have a relationship</p> <p>16 with.</p> <p>17 (Exhibit No. 7 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. SAUER:</p> <p>20 Q. On the screen share I put Exhibit</p> <p>21 7, which is now public comments from Renée</p> <p>22 DiResta from the EIP; do you see it up there?</p> <p>23 A. Sorry, you are an on Exhibit 7?</p> <p>24 Q. Yeah.</p> <p>25 A. Yep.</p> | <p>1 government taking the leadership role and</p> <p>2 analyzing to respond to election mis and</p> <p>3 disinformation; correct?</p> <p>4 A. I'm not seeing that in here, is</p> <p>5 that a sentence or are you asking me to --</p> <p>6 Q. I'm just --</p> <p>7 A. -- interpret what Renée is saying?</p> <p>8 Q. Yeah, interpret, is that how you</p> <p>9 read it? That's how I read it.</p> <p>10 MR. GARDNER: I'm sorry, can you --</p> <p>11 John, can you re-ask that question?</p> <p>12 BY MR. SAUER:</p> <p>13 Q. Let me ask you this: Were there</p> <p>14 any discussions of -- that you're aware of,</p> <p>15 relating to the EIP, that related to unclear</p> <p>16 legal authorities, including very real first</p> <p>17 amendment questions, when it comes to direct</p> <p>18 involvement of the federal government?</p> <p>19 A. I'm not aware, but, in general,</p> <p>20 conversations about MDM, first amendment comes</p> <p>21 up.</p> <p>22 Q. Did it come up with the CISA</p> <p>23 interns who originated the idea of the EIP?</p> <p>24 A. I don't -- I don't recall that</p> <p>25 being the nature of the conversation. I think</p> |
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| <p>1 Q. If you go to page 2 of the</p> <p>2 transcript, which is page 4 of the PDF, and</p> <p>3 it -- it quotes Renée DiResta, again, talking</p> <p>4 about the students from Stanford doing an</p> <p>5 internship at CISA and identifying a gap, right,</p> <p>6 that was the word we used earlier?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. It talks about how there was no</p> <p>9 clear federal lead to coordinate, and it wasn't</p> <p>10 prepared to identify it; correct?</p> <p>11 A. I don't --</p> <p>12 Q. It says that gap, the federal</p> <p>13 government wasn't prepared to identify and</p> <p>14 analyze election mis and disinfo; correct?</p> <p>15 A. Correct. That's what she says,</p> <p>16 yep.</p> <p>17 Q. And she says there was no clear</p> <p>18 federal lead to coordinate the work and so</p> <p>19 forth?</p> <p>20 A. Correct.</p> <p>21 Q. And she says: There were unclear</p> <p>22 legal authorities, including very clear first</p> <p>23 amendment questions; right?</p> <p>24 A. That's what she says.</p> <p>25 Q. That's a reference to the federal</p> | <p>1 it was really mostly around gaps for election</p> <p>2 officials. But as you probably picked up, I</p> <p>3 don't remember in detail the conversations that</p> <p>4 well that long ago.</p> <p>5 MR. SAUER: I think that's all the</p> <p>6 questions I have.</p> <p>7 MR. GARDNER: Well, the government</p> <p>8 has no questions. We just, again, we emphasize</p> <p>9 that the witness will read and sign.</p> <p>10 THE VIDEOGRAPHER: This</p> <p>11 concludes -- this concludes the deposition of</p> <p>12 Brian Scully. The time is now 6:04 p.m. We are</p> <p>13 off the record.</p> <p>14 THE REPORTER: Mr. Sauer, when do</p> <p>15 you need the transcript?</p> <p>16 MR. SAUER: Could we have it</p> <p>17 expedited within two days, that's -- Ben, I</p> <p>18 think our standard request for these is two</p> <p>19 business days?</p> <p>20 MR. GARDNER: Yes.</p> <p>21 THE REPORTER: And Mr. Gardner,</p> <p>22 will you be purchasing a copy.</p> <p>23 MR. GARDNER: Yes, ma'am, we'll be</p> <p>24 purchasing a copy.</p> <p>25 THE REPORTER: And you want the</p> |

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|--|---|
| <p>1 same delivery?</p> <p>2 MR. GARDNER: Yes, ma'am.</p> <p>3 THE REPORTER: Is it okay if I</p> <p>4 e-mail you spelling questions on Monday?</p> <p>5 MR. GARDNER: You have until</p> <p>6 Tuesday, with the holiday.</p> <p>7 (Signature having not been waived,</p> <p>8 the deposition of BRIAN SCULLY was concluded at</p> <p>9 6:04 p.m.)</p> <p>10 ACKNOWLEDGMENT OF DEPONENT</p> <p>11 I, BRIAN SCULLY, do hereby acknowledge</p> <p>12 that I have read and examined the foregoing</p> <p>13 testimony, and the same is a true, correct and</p> <p>14 complete transcription of the testimony given by</p> <p>15 me and any corrections appear on the attached</p> <p>16 Errata sheet signed by me.</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 (DATE) (SIGNATURE)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 LEXITAS LEGAL</p> <p>2</p> <p>3 January 17, 2023</p> <p>4</p> <p>5 JOSHUA E. GARDNER, ESQUIRE</p> <p>6 DEPARTMENT OF JUSTICE</p> <p>7 1100 L STREET, NORTHWEST</p> <p>8 WASHINGTON, D.C. 20530</p> <p>9</p> <p>10 IN RE: THE STATE OF MISSOURI, et al. v. JOSEPH R.</p> <p>11 BIDEN, JR., et al.</p> <p>12</p> <p>13 Dear JOSHUA E. GARDNER:</p> <p>14</p> <p>15 Please find enclosed your copies of the deposition of</p> <p>16 BRIAN J. SCULLY taken on January 12, 2023 in the</p> <p>17 above-referenced case. Also enclosed is the original</p> <p>18 signature page and errata sheets.</p> <p>19</p> <p>20 Please have the witness read your copy of the</p> <p>21 transcript, indicate any changes and/or corrections</p> <p>22 desired on the errata sheets, and sign the signature</p> <p>23 page before a notary public.</p> <p>24</p> <p>25 Please return the errata sheets and notarized</p> <p>signature page within 30 days to our office at 1608</p> <p>Locust Street, Kansas City, MO 64108 for filing.</p> <p>Sincerely,</p> <p>Lexitas Legal</p> <p>Enclosures</p> |
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| <p>1 CERTIFICATE OF SHORTHAND REPORTER</p> <p>2 I, Cassandra E. Ellis, Registered</p> <p>3 Professional Reporter, the officer before whom the</p> <p>4 foregoing proceedings were taken, do hereby</p> <p>5 certify that the foregoing transcript is a true</p> <p>6 and correct record of the proceedings; that said</p> <p>7 proceedings were taken by me stenographically and</p> <p>8 thereafter reduced to typewriting under my</p> <p>9 supervision; and that I am neither counsel for,</p> <p>10 related to, nor employed by any of the parties to</p> <p>11 this case and have no interest, financial or</p> <p>12 otherwise, in its outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set</p> <p>14 my hand this 17th day of January 2023.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 CASSANDRA E. ELLIS, CSR-HI, CSR-VA, CCR-WA, RPR,</p> <p>19 CRR</p> <p>20 REALTIME SYSTEMS ADMINISTRATOR</p> <p>21 NOTARY PUBLIC</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 ERRATA SHEET</p> <p>2 Witness Name: BRIAN J. SCULLY</p> <p>3 Case Name: THE STATE OF MISSOURI, et al. v. JOSEPH R.</p> <p>4 BIDEN, JR., et al.</p> <p>5 Date Taken: JANUARY 12, 2023</p> <p>6</p> <p>7 Page # _____ Line # _____</p> <p>8 Should read: _____</p> <p>9 Reason for change: _____</p> <p>10</p> <p>11 Page # _____ Line # _____</p> <p>12 Should read: _____</p> <p>13 Reason for change: _____</p> <p>14</p> <p>15 Page # _____ Line # _____</p> <p>16 Should read: _____</p> <p>17 Reason for change: _____</p> <p>18</p> <p>19 Page # _____ Line # _____</p> <p>20 Should read: _____</p> <p>21 Reason for change: _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Witness Signature: _____</p> |

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1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, BRIAN J. SCULLY, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this _____ day of _____,

15 20____, at _____.

16

17

18

19

20 _____
BRIAN J. SCULLY

21

22

23 _____
NOTARY PUBLIC

24 My Commission Expires:

25

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